MINERAL RIGHTS FOR ALASKA HOMESTEADERS

UNIVERSITY OF MICHIGAN

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MAIN READING ROOM

HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS

OF THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

EIGHTY-SIXTH CONGRESS

FIRST SESSION

ON

S. 1670

A BILL TO DO EQUITY TO A SMALL GROUP OF HOMESTEADERS IN ALASKA BY QUITCLAIMING OIL AND GAS RIGHTS TO THEM

JUNE 19, 1959

Printed for the use of the Committee on Interior and Insular Affairs

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MINERAL RIGHTS FOR ALASKA HOMESTEADERS

FRIDAY, JUNE 19, 1959

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS OF THE COMMITTEE
ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to call, at 10 a.m., in room 3110, New Senate Office Building, Hon. Ernest Gruening, presiding.

Present: Senator Gruening.

Also present: Senator Bartlett.

Staff members present: Stewart French, chief counsel, and Nell McSherry, clerk.

Senator GRUENING. The meeting will please come to order.

This is an open public hearing by the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs. Senator O'Mahoney, of Wyoming, is the chairman of this subcommittee, but he has prior commitments that make it impossible for him to be here. Therefore, he has asked me to serve as chairman of this hearing.

Today we will consider S. 1670, which would quitclaim the oil and gas rights of the Federal Government in lands, the surface of which now is held by a very restricted number of homesteaders. This bill is one to do equity to a small group and is one that I commend to the conscience of the Congress.

The background of the need for this legislation is explained in a statement which I have prepared for this record. I would like to offer that statement at this time. Without objection, the statement will be made a part of the record.

(The statement is as follows:)

STATEMENT OF HON. ERNEST GRUENING, A U.S. SENATOR FROM THE STATE OF ALASKA

For some years the western side of the Kenai Peninsula in Alaska has been recognized as one of the most desirable areas for agricultural settlement in the 49th State. Actually, of course, settlement started there long before the advent of statehood. Although there had been a considerable influx of homesteaders throughout the 1930's and 1940's, resulting particularly in the taking up of most of the land in the immediate vicinity of the town of Homer, large-scale homesteading did not become possible on most of the Kenai Peninsula until 1951, when the Alaska Road Commission completed construction of the Sterling Highway, which runs down the western edge of the peninsula and connects that whole area with Anchorage and the highway system of Alaska. In the years which followed hundreds of settlers staked out homesteads in this very promising area. The advantages of the Kenai Peninsula for agricultural settlement have been recognized for many years. I would like to quote what the Bureau of Land Management of the Department of the Interior has to say about this area in its Information Bulletin No. 2 entitled "Information Relative to the Use and Disposal of Public Lands and Resources in Alaska." This pamphlet, which has been distributed in large quantities throughout not only Alaska but all the

other parts of the United States where citizens showed interest in settling on public lands of the last frontier, states that certain localities in Alaska offer "much better settlement opportunities than do others." The Kenai Peninsula is cited as being "among the more favored areas."

This report goes on to say: "Of the 338,880 acres classified in the southern and western parts of the Kenai Peninsula, 55 percent is typed as suitable for various agricultural uses and 45 percent is not considered usable. The lands classified as agricultural in character, lie mainly north and northwest of Homer, north and south of Ninilchik, south and southwest of Kasilof and south and southeast of Kenai Village. Areas suitable for forage crop production and grazing, which comprise mainly rangelands in the Caribou Hills in the south central portion total about 32,000 acres." After a description of the climate, which is mild by Alaska standards, the Bureau of Land Management pamphlet has this to say of the soil of the Kenai: "Most of the better drained land is considered fair to good farmland. The prevailing silt and fine sandy loams are usually worked and responsive, and under good farming practices, including the methodical return of manure residues and regular use of fertilizer, produce good crops of potatoes, hardy vegetables and hay." The report goes on to describe vegetation, transportation and then says this about types of farming which may be practiced there: "Potatoes have been the main cash crop. Practically all the hardy vegetables raised in the Northern States grow successfully here. Oats (for hay) and oats and peas (for ensilage) have been the main feed crops. Dairying and other livestock enterprises are believed to be the most promising type of farming for the area. As the road to Anchorage is now completed, the area should have an expanded outlet for farm products, although marketing is now and may remain for a while one of the major problems confronting the homesteader."

Respecting availability of land the Bureau of Land Management brochure states: "There is a considerable acreage of land available on the Kenai Peninsula which is suitable for agricultural use. Accessibility is a limiting factor to much of these lands, but new construction is slowly making more lands available. For the present, there is more land available than can be economically utilized due to market, transportation and other limiting factors. Information as to the ownership status of specific tracts of land may be obtained from the land office at Anchorage. No lists of available lands are maintained as the ownership status is constantly changing."

Not only the Department of the Interior but many other agencies, including the Department of Agriculture and territorial development offices, encouraged agricultural settlement on the Kenai Peninsula. Settlement there has, since 1951, been more widespread and rapid than in any other part of Alaska. There are other areas in the 49th State where homesteading is taking place. These include principally the Susitna Valley north of Anchorage and the Tanana Valley near Fairbanks. The Kenai Peninsula, however, has in the past half dozen years or so attracted more settlers than any other area.

When these new people moved into the Kenai there was no thought, except perhaps in the minds of a few intuitive scouts for the major oil companies, that that area was prospectively valuable for anything else except agricultural settlement. I find that the pamphlets of the Interior Department issued at that time did not even mention the possibility of the existence of petroleum on the Kenai. The settlers who moved in—and a very large majority were veterans of World War II or the Korean conflict—arrived to till the soil and win homes for themselves in this very attractive part of Alaska.

As luck would have it—and as we now know—the Kenai Peninsula happened also to be the first place in Alaska in modern times where exploration for petroleum was to take place on a considerable scale. On July 23, 1957, the very first well drilled on the Kenai proved to be a producer when the discovery well of the Richfield Oil Co. began flowing at a rate exceeding 500 barrels daily. This event was followed by a feverish spree of filing of offers for oil and gas leases on most of the west side of the Kenai Peninsula. Offers were filed on most of the lands which had been homesteaded.

Those who had already obtained patents to land homesteaded on the Kenai Peninsula had acquired, with their patents, subsurface rights to their land. These homesteaders were immediately approached by oil scouts and offered as much as $15 per acre, plus percentages of the value of eventual production, for the right to include their lands in units where petroleum development was envisioned.

However, most of the homesteaders, who had not completed requirements for their patents, discovered at that time, or shortly afterward, that under provisions of existing law they would, to their dismay, be required to divest themselves of a property right to which they believed they were entitled—namely, subsurface rights to their homesteads. The act of March 8, 1922, (42 Stat. 415, 48 U.S.C. 376, 377, 1952 ed.), which authorizes homesteading on mineral lands in Alaska, provides that if, at any time, prior to issuance of a final certificate on homestead claims, the lands on which claims are made are found to be valuable for coal, oil or gas, the patent may issue only if it contains a reservation of rights to these resources to the United States. Accordingly, homesteaders who had not perfected their titles, but who had in most cases made exceptional efforts to establish them, were confronted with a demand by the Department of the Interior that they waive oil and gas rights on their property as a condition to receiving their patents.

Naturally there was indignation and resentment expressed by those homesteaders who found themselves about to be, as they felt, robbed of property they believed to be theirs. They had entered on the land in good faith and expected to receive title to the subsurface as well as surface rights in exactly the same manner as their neighbors who happened to arrive at an earlier date.

To the homesteaders there is an apparent and inexplicable inequity in the operation of a law which allows some individuals to acquire valuable rights of which others are deprived due to the accidental establishment of a date, that being the date of determination by the Geological Survey that certain lands are potentially valuable for oil and gas.

It is to remedy this inequity that I have introduced S. 1670.

Without some relief such as is proposed in S. 1670 all but a handful of homesteaders (those that have perfected their claim) would in order to obtain subsurface rights, have the almost insurmountable burden of overturning, by affirmative proof, the determination of the experts in the U.S. Geological Survey that their lands are prospectively valuable for oil and gas. In such a contest, the prima facie case made by surface and subsurface geological data would be all but impossible to overcome in the absence of the most clear and convincing proof of the kind which, were it easily attainable, would save the oil companies a lot of money by eliminating a great many dry holes.

It should be understood that the date which the Interior Department has made to govern is not that of the actual discovery or production of oil or gas but that on which the land involved was first declared by the U.S. Geological Survey to be prospectively valuable for oil and gas. I am informed by the Interior Department that in the case of the Kenai Peninsula this date would be sometime in April of 1957, approximately 3 months before the actual discovery of oil in Richfield's well. Homesteaders who had submitted final acceptable proof prior to that classification were granted the oil and gas rights along with the surface rights to their land. Those who submitted such proof subsequent to the classification were asked to sign the waivers.

Under regulations of the Interior Department applicants for homesteads have a period of 30 days in which to waive oil and gas rights after a demand therefor is served on them. In response to protests received from Alaska, the Secretary of the Interior extended this period from 30 to 90 days. The matter stood in that position when the Secretary went to Alaska last November. During his trip, the Secretary attended and addressed a meeting at the schoolhouse in the village of Kenai on November 17. Those present appear to have consisted mostly of homesteaders who had been asked to sign waivers of their oil and gas rights. A portion of the Secretary's statement which relates to the problem which we are trying to solve through S. 1670 is as follows:

> As Secretary of the Interior we have to operate under the laws passed by the Congress of the United States * * * It is not a law I made. It is not a law that anybody in the room made. It just happens to be the national law of the United States of America, you see. So there is nothing we can do about it, unless the law is changed * * * The only remedy you have is to get the law changed.

Soon after the 86th Congress began, I had my staff institute a study of what could be done to bring justice to the homesteaders on the Kenai Peninsula. The result of our labors is contained in S. 1670.

Under the provisions of this bill, the Secretary of the Interior would be authorized to quitclaim all right, title and interest of the United States in and

to oil and gas deposits in the lands of those homesteaders who had made valid and subsisting entries prior to July 23, 1957, but had not completed all requirements for obtaining title to their land. The bill would not apply to homesteaders who made entries after July 23, 1957, in view of the fact that such persons would have had notice that the lands were prospectively valuable for oil and gas.

Those homesteaders who have already waived their subsurface rights would reacquire those rights as a result of the quitclaim by the Federal Government. Those homesteaders who have submitted acceptable final proof but have not yet waived their rights would be given full patents. The remaining homesteaders who were on the land prior to July 23, 1957, and who have yet to submit final proof would not be required to waive their oil and gas rights.

It should be noted that the terms of S. 1670 would apply to all of Alaska rather than to the Kenai Peninsula alone. This is done because I am advised that the classification made by the Geological Survey in April of 1957, holding that certain lands in Alaska were prospectively valuable for oil and gas, related not only to the Kenai but to other sedimentary lands throughout the then Territory.

The Alaska State Legislature, by means of a memorial sent to the President, the Congress, the Secretary of the Interior and to each member of the Alaska delegation, has asked that legislation providing precisely this relief be adopted. I am informed that that memorial passed the Alaska Legislature by a unanimous vote in both houses. I have received letters from many homesteaders who would obtain relief under the terms of S. 1670. All feel very strongly that they are victims of a set of circumstances over which they had no control and which it would be appropriate for the Congress to rectify. As one such homesteader wrote to me, "I feel as though an ax were hanging over my head ready to fall at any minute, far from the feeling of peace and quiet I usually have when at home here in Clam Gulch."

These homesteaders feel, quite justifiably in my opinion, that they have been caught up in a mesh of legalisms which threatens their enormous investment of time, money and back-breaking effort. This threat comes many years, in most cases, after they entered on their land with the confident expectation that they would by filling the homesteading requirements, own it outright without reservation of any rights to the Federal Government.

I referred earlier to a brochure of the Department of the Interior which described the Kenai Peninsula. In the edition which was distributed by the thousands at the time the Kenai was being settled, there is no reference to even the possibility of oil or gas existing there. In the most recent edition, which was revised in May of 1957, the following language is found: "A considerable portion of the Kenai Peninsula is considered as prospective petroleum-producing land and virtully all of the promising land which is open to leasing is now under lease. In the future this may provide a new source of employment for residents of the Kenai Peninsula."

In all issues of this information pamphlet, including that which is still being passed out today, there is a reference to the conditions under which homesteading may be done on coal, oil or gas lands. This reference is as follows: "Where homestead entry is made in Alaska for land classified or known to be valuable for coal, oil, or gas, the entryman must consent to a reservation of the mineral deposits to the United States, together with the right to prospect for, mine, and remove the same. If the entry is made in an area which is under mineral lease the homestead will be subject to the lease."

Please note that this refers to homestead "entry." It says that when "entry" is made for land classified or known to be valuable for oil or gas, the entryman must consent to a reservation of those rights to the Federal Government. The homesteaders on the Kenai Peninsula for whom relief is sought through the terms of S. 1670 made entry long before this land was classified as or even suspected of being valuable for oil or gas. These entrymen were not asked to consent to a reservation of the oil and gas rights to the Federal Government when they entered on the land and were given their allowances of entry by the Bureau of Land Management. It was not until they submitted final proof that they were asked to waive their oil and gas rights, under threat of losing all their rights if they refused. In all cases, this was at least 3 years after entry and in some cases, it was as long as 5 or even more years thereafter.

In editions of the information pamphlet of the Bureau of Land Management printed before 1957, there did not appear the final sentence of the section on

entries on coal, oil, or gas lands which I have quoted above. This was added only after the Kenai Peninsula was, quite suddenly, recognized as an area possibly as rich in oil under the ground as it is for farming on the surface.

No words could possibly convey the effort and hardship which has to go into the obtaining of land in Alaska by the homestead process. In the first place, the entryman must find what he conceives to be a tillable piece of land and must determine that it is in the unreserved public domain on which no one has a claim. He must mark the boundaries of his claim with permanent monuments at each corner, file a notice thereof in the land office for the district involved, and then fulfill very substantial requirements as to residence and improvement. Within 6 months he must establish residence on his homestead and maintain it in good faith as a home, to the exclusion of a home elsewhere, for 3 years.

To accomplish this in most cases in Alaska requires the bulldozing of a road from the nearest highway for a considerable distance to the homestead. It requires the purchase of building materials and construction of a home under circumstances which are usually very hard. During the years the entryman and his family are fulfilling the residence requirement, they are usually far removed from sources of supply and must transport everything needed for existence, summer and winter, often by backpack. During the second year the homesteader is required to cultivate not less than one-sixteenth of the area in his claim. On a 160-acre homestead this requires the clearing, plowing and cultivation of at least 10 acres. During the third year he must again cultivate the one-sixteenth tilled the second year and bring an additional one-sixteenth under cultivation. Therefore, by the third year he must have cleared and planted one-eighth of the area or, in most cases, 20 acres.

Land in Alaska is rough and, if it is valuable for agricultural purposes, it will normally be covered with a more or less heavy growth of timber. There are few places in Alaska where the cost of clearing an acre of ground is less than $1,000. It is not at all unusual for a homesteader in Alaska to find that he has made an actual cash outlay of $15,000, in addition to his hours and years of toil, before he is able to submit final proof.

For an entryman at the end of that time to receive a demand from the Bureau of Land Management that he waive all rights to oil and gas which may exist on his land is a development at which these several hundred homesteaders on the Kenai Peninsula in Alaska have quite understandably rebelled. S. 1670 would correct this situation. It would afford relief to an estimated 150 to 250 families who have invested all they have in breaking new ground in Alaska and building homes for themselves. It would deliver to them the rights which they thought they had when, years ago in most cases, they began the hard, tedious, heartbreaking process of homesteading. I feel that it is necessary for the Congress to protect the equities of these people by enacting legislation such as is contained in the bill on which hearings are being held today.

As is the case with so many other issues which are before the Congress, time is of the essence. The fact has been mentioned that the Secretary of the Interior, utilizing administrative discretion which is available to him, extended from 30 days to 90 days the time within which entrymen, upon being served with demands by the land office, must waive oil and gas rights as a condition to receiving patent. Since S. 1670 has been in preparation and under consideration, he has extended the time on two later occasions, first to May 6 and most recently to September 1. So we have the situation of practically all patents to homesteads on the Kenai Peninsula being held up, for the overwhelming majority of entrymen there have refused to sign waivers.

The problem we have here may be stated in its simplest terms as follows: (*a*) Several hundred families entered on land on the Kenai Peninsula between 1950 and 1957 with the intention of homesteading it; (*b*) They fulfilled, or will have fulfilled, all of the requirements under the law to obtain patents to their land; (*c*) Their expectation has been that they would receive the subsurface as well as the surface rights, because their notices of allowance did not indicate otherwise and their neighbors who obtained patents before the spring of 1957 had no rights reserved to the Federal Government; (*d*) Activity in oil exploration on the Kenai, and particularly the striking of oil by the Richfield Oil Co. in the summer of 1957, caused the Geological Survey to classify the sedimentary lands of the Kenai Peninsula and, I understand elsewhere in Alaska, as potentially valuable for oil and gas; (*e*) This brought into play a provision of the act of March 8, 1922, requiring a reservation of oil and gas rights to the

Federal Government unless the homesteader can prove the U.S. Geological Survey classification is incorrect; (*f*) The Interior Department has demanded that entrymen waive oil and gas rights as a condition to receiving patent; (*g*) The homesteaders, feeling that patents without reservation are rightly theirs, because that was their expectation under the situation prevailing when they entered on the land, have in most cases refused to waive oil and gas rights.

The equities of the situation, in my estimation, require passage of S. 1670.

Senator GRUENING. The first witness this morning will be the senior Senator from Alaska, Senator Bartlett.

STATEMENT OF HON. E. L. BARTLETT, A U.S. SENATOR FROM THE STATE OF ALASKA

Senator BARTLETT. Senator Gruening, I want to commend you for your introduction of S. 1670. S. 1670, in my judgment, gives the committee an opportunity to examine the equities of certain of Alaska's homesteaders, and opens the door to a legislative solution of a very pressing problem.

I think these people on the Kenai Peninsula who have presented those problems to the members of the Alaska congressional delegation, to the Department of the Interior, and to others, are entitled to relief.

I think that you have responded affirmatively and properly to the desires and equities of your constituents and mine by introducing this bill, which seeks to bail out, as it were, a group of homesteaders, who are foreclosed from obtaining mineral rights to their land through no fault of their own. We are going to have, I understand, considerable testimony on this legislation.

I will not at this time endorse any particular language seeking to enforce justice or relief. I think in general that which you have proposed would accomplish the equitable purpose of the measure. If amendments are offered leading toward the same general objective which might seem to be necessary, well and good. But the main consideration is to grant relief and to give these people the same rights that others have had.

Thank you very much.

Senator GRUENING. Senator Bartlett, thank you very much for these very effective words. There are a number of matters that I would like to have you develop.

I would like to ask your view, based on your very long and varied experience, about the general suitability, appropriateness, usefulness, of the varieties of legislation dealing with lands and minerals to which the Territory of Alaska was subjected.

You early in life had practical experience as a miner. You then were secretary to your distinguished predecessor, Anthony J. Dimond. You were secretary of the Territory for a number of years. And for 14 years you were Alaska's Delegate in Congress, trying during those years repeatedly to secure changes in Federal legislation to make it more workable, more applicable, more useful, in the development of Alaska.

I will now read into the record the report on 1670, received today, from the Department of the Interior. It is addressed to Senator Murray.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 18, 1959.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR MURRAY: This is in reply to your request for the views of this Department on S. 1670, a bill to provide for the granting of mineral rights in certain homestead lands in the State of Alaska.

We would not object to the enactment of this bill, if amended, as suggested below.

Section 1 of S. 1670 would quitclaim as of the date of approval of S. 1670 or the date of issuance of patent, whichever is later, to the patentee or his successor in interest all the right, title, and interest of the United States in and to the oil and gas deposits in the lands in Alaska which were, or are in the future, patented to homestead entrymen pursuant to homestead entries which were valid and subsisting on July 23, 1957. Section 2 would preserve any leases issued under the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C., sec. 181 et seq.), changing them only by substituting the grantee of the oil and gas rights for the United States. The date, July 23, 1957, which section 1 would establish as the cutoff date for obtaining oil and gas rights was the date of the oil strike by the Richfield Co. on the Kenai Peninsula in Alaska.

The law under which the mineral interests in homesteaded lands in Alaska, including the Kenai Peninsula, are, or would in the future be, reserved to the United States is clear and unambiguous. The act of March 8, 1922 (42 Stat. 415; 48 U.S.C., secs. 376, 377), permits the initiation of homestead claims on lands in Alaska valuable for coal, oil, or gas, and the subsequent granting of patents to the settlers, but provides that "should it be discovered at any time prior to the issuance of a final certificate on any claim * * * that the lands are coal, oil, or gas in character, the patent issued on such entry shall contain the reservation * * * of the coal, oil, or gas deposits." This provision has been interpreted by this Department as meaning that land discovered to be valuable for minerals prior to the submission of acceptable proof by the homestead entryman must be patented subject to a reservation of minerals to the United States. Land discovered to be valuable for minerals subsequent to the submission of such proof must be patented without such a reservation on the theory that equitable title vested in the homesteader at the time of submitting acceptable final proof, since, when he submitted it, he had complied with all the duties imposed upon him, and that any subsequent delay is chargeable to the United States.

This statute permitting the patenting of land subject to a mineral reservation is a liberalization of the original homestead laws. At first mineral land was not subject to entry, and, if land homesteaded was found at any time prior to the issuance of patent to be valuable for minerals, the entryman was simply excluded. The act of March 3, 1909 (35 Stat. 844; 30 U.S.C., sec. 81), permitted settlement upon coal lands, provided that the patent for the land reserved the coal to the United States. The act of July 17, 1914 (38 Stat. 509), as amended (30 U.S.C., secs. 121–123), permitted the patenting under the nonmineral land laws of lands valuable for oil, gas, phosphate, nitrate, potash, or asphaltic minerals, subject to a reservation of the minerals to the United States. However, these statutes were not applicable to Alaska. The act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028), which extended the homestead laws to Alaska provided that "no title shall be obtained hereunder to any of the mineral or coal lands * * *." It was thus not until the liberalizing provisions of the 1922 act were adopted that settlement upon oil, gas, and coal lands was permitted. Coal has been reserved to the United States in patents issued under the 1922 act for many years, but it is only recently that the question of reserving oil and gas in patents issued in Alaska has been of great importance. Nevertheless, the Bureau of Land Management of this Department has applied in Alaska the same principles applicable elsewhere. When the Geological Survey reported the area of the Kenai Peninsula to be valuable for oil and gas, the local officer of the Bureau required that patents issued for homesteads upon which acceptable final proof was submitted subsequent to the time at which the area was found to be valuable for oil and gas contain a reservation of oil and gas. Some entrymen on the Kenai Peninsula filed waivers of oil and gas rights, but others protested vigorously. It was this objection which led to the introduction of S. 1670.

The law on this subject is thus quite clear. We do not believe that a relief measure of as broad a scope as S. 1670 is justified. Such a relief measure, granting oil and gas to any homestead entryman in Alaska whose entry was "valid and subsisting on July 23, 1957," would be inconsistent with the spirit of the 1922 act and the comparable acts relating to the other States which we have cited above. However, there is one group of entrymen whom we believe to be entitled to a measure of relief.

On March 30, 1956, the Bureau of Land Management of this Department suspended the disposition by lease or otherwise or the granting of any use of lands in fish and wildlife refuges. Inadvertently this precluded final adjudication on homesteads in the neighborhood of the Kenai Moose Range. While there was nothing to prevent a homestead entryman from submitting acceptable final proof after March 30, 1956, it would be natural for him to have felt that the submission of such proof during a period when no action would be taken upon it to have been pointless. This period of suspension continued until after the oil strike on July 23, 1957. There was thus a period of 15 months prior to the oil strike when persons who had otherwise complied with the requirements of the homestead law may have failed to submit acceptable final proof for very natural reasons. We do not think it just that those persons should suffer because of our suspension order. Therefore, we suggest that S. 1670 be amended to permit the issuance of patents without an oil and gas reservation to all homestead entrymen on the Kenai Peninsula who had fully complied with all the requirements of the homestead laws prior to July 23, 1957, except for the actual submission of acceptable final proof.

Accordingly, we recommend the insertion at the end of page 1, line 8, of the words "Kenai Peninsula in the." At page 1, lines 10 and 11, the words "which were valid and subsisting on July 23, 1957," should be deleted, and in their place should be inserted "on which all requirements of the homestead laws had been complied with prior to July 23, 1957, except for the actual submission of acceptable final proof."

The Bureau of the Budget has advised that there is no objection to the submission of this proposed report to your committee.

Sincerely yours,

FRED A. SEATON,
Secretary of the Interior.

Senator GRUENING. Mr. Hochmuth, have you any idea of the number of homesteaders who would be (a) included in the bill as written, were it to be enacted and (b) the number who would be excluded if the amendment proposed by the Department of the Interior were adopted?

STATEMENT OF HAROLD HOCHMUTH, LANDS OFFICER, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. HOCHMUTH. It is probable, Mr. Chairman, that possibly 200 would be affected in some manner by the bill as now written. We would not know how many would be affected in the amendment as proposed by the Department, but there would be a lesser number, of course.

Senator GRUENING. Surely. Would it be possible to obtain those figures? They would be extremely useful.

Mr. HOCHMUTH. We have tried to, Mr. Chairman, but it just means trying to adjudicate every individual case because of the dates of settlement and the dates when they could have submitted their proof but did not, you see. We could not get that until the person submitted that information to us in order to adjudicate it. We tried to get some information, but it is very, very scanty.

Senator GRUENING. You could get us the information, though, as to the number on the Kenai Peninsula, could you not, that is the

number who would be favorably affected if the Department's suggested amendment were to be adopted?

Mr. HOCHMUTH. I think I have a little data here which—may I just review these files a minute, Mr. Chairman?

Senator GRUENING. Take your time.

Mr. HOCHMUTH. Because this was some of the information that we got from Alaska at the request of your office. So may I just review it a minute?

May I quote a question which we asked our Alaska office?

Senator GRUENING. Yes.

Mr. HOCHMUTH. Which may only in part clear up this point. The question we asked them was this: The number of applications allowed or notice of location of proof, all of which were made prior to July 27, 1957—actually, Mr. Chairman, that should have been July 23, I believe, but that is perhaps somewhat immaterial—and which probably will require a waiver or reservation of the oil and gas deposits. Now apparently our office said that there were 260 allowed applications or approved notices, which included 60 signed waivers.

Senator GRUENING. Take your time. Proceed.

Mr. HOCHMUTH. May I reiterate?

Senator GRUENING. Yes, sir.

Mr. HOCHMUTH. For the Anchorage land office for which the majority would fall in the Kenai Peninsula, there were probably 260 homesteaders that would be involved in the legislation as your bill has written it now, of which 60 of those have already filed mineral waivers. That is all of the Anchorage Land District. Probably most of those will fall in the Kenai. There are some in other portions of Anchorage, Alaska.

Senator GRUENING. Is it your understanding that those who filed the mineral waivers will be excluded from the benefits of this legislation?

Mr. HOCHMUTH. Those who have filed mineral waivers would not be excluded from the benefits of this legislation, if—well, section 2 would, I believe, cover them on that.

It does not make any difference whether they had filed mineral waivers or not. If the bill is enacted as now written, if they were valid and subsisting on July 23, 1957, even though they had filed a mineral waiver subsequently they would still obtain the mineral fee in the land.

Senator GRUENING. Could you tell me what procedure is followed in the Department to let the public know when certain lands are declared to be oil-bearing lands? I understand that at present there is no procedure or no mandate, no requirement to make that public. Naturally, it has an effect on the people who have homesteaded. Has it ever occurred to anyone in the Department that this should be made a matter of public record as soon as it is ascertained by the Geological Survey?

Mr. HOCHMUTH. There is no publication either in the newspapers or the Federal Register of mineral classifications made by the Geological Survey, and I do not suppose, Mr. Chairman, I am competent to comment on the procedures the Geological Survey does use in making their mineral classifications.

Senator GRUENING. Do you happen to know whether it is a matter of policy not to make them public or whether it is simply something that has not been done because it has not been requested?

Mr. HOCHMUTH. I suspect the latter, Mr. Chairman. I know of no policy determination that they would not be made public.

Senator GRUENING. It would be useful to avoid some of the situations in the future, if, as soon as that fact were ascertained by the Geological Survey, it would be made a matter of public record and then homesteaders and others would be fully apprised of what the situation was.

We have a number of letters here from homesteaders which will be placed in the appendix to this record.

Are there any other comments that you desire to make?

Mr. HOCHMUTH. I believe, Mr. Chairman, that the departmental report is I think fairly explanatory of the matter and the position that the Department takes, but we would be happy to answer any detailed questions.

Senator GRUENING. What we try to ascertain, if we can, we try to ascertain ourselves, but we will appreciate the cooperation of the Department in that respect, in trying to ascertain how many would be included in the legislation as with the amendment proposed by the Department and how many who would have been included or would be included in the bill as written would be excluded. If we could get those figures, it would be useful to us.

Mr. HOCHMUTH. I think we could find the first part of it, but I think it would be almost, well, it would be——

Senator GRUENING. Difficult?

Mr. HOCHMUTH (continuing). Difficult, if not just an estimate because until the person comes in with his proof we have no way of knowing to what extent he has proceeded under his homestead requirements. The second part we probably could determine.

Senator GRUENING. Well, you may give us an estimate anyhow.

Mr. HOCHMUTH. We will attempt to.

Senator GRUENING. I think that is all.

We would appreciate it if you would submit that estimate as soon as you can reasonably get it.

Mr. HOCHMUTH. We will attempt to do it right away, Mr. Chairman.

Senator GRUENING. We appreciate your coming here very much and thank you for your testimony.

The meeting will adjourn subject to the call of the chairman.

(Whereupon, the subcommittee recessed at 3:22 p.m. subject to call of the acting chairman.)

APPENDIX

(Senator Gruening directed that the following exhibits be placed in the record:)

[S. 1670, 86th Cong., 1st sess.]

A BILL To provide for the granting of mineral rights in certain homestead lands in the State of Alaska

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby quitclaims as of the date of this Act or as of the date of issuance of patent, whichever is later, to the patentee or to his lawful heirs if title to the lands prior to the date of this Act had by devise or succession passed out of the patentee, all right, title, and interest of the United States in and to oil and gas deposits in lands in the State of Alaska patented to homestead entrymen pursuant to homestead entries which were valid and subsisting on July 23, 1957.

SEC. 2. Nothing in this Act shall affect the validity of any lease issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181 and following), as amended, or any rights arising thereunder, or any of its terms and conditions except that quitclaim under the terms of this Act of any oil and gas deposit covered by such a lease shall vest in the grantee all right, title, and interest of the United States in and to such lease, including the right to all rentals, royalties, and other payments accruing after the date of quitclaim and including any authority that may have been retained by the United States to modify its terms and conditions.

LETTERS AND STATEMENTS PRESENTING THE CASE OF THE HOMESTEADERS

LOS ANGELES, CALIF., *April 9, 1959.*

HON. ERNEST GRUENING,
U.S. Senate,
Washington, D.C.

DEAR SENATOR:

* * * * * * *

In every case involving mineral rights of homesteaders on the Kenai Peninsula which has come to my attention—and there have been many—the homesteader is threatened with loss of these valuable rights, not because of the ordinary course of operation of the applicable land laws, but because of mistake, delay, neglect, or even dereliction of duty on the part of the land office. This ranges from undue delay in the processing of patent applications to administrative errors, misinformation, and misrepresentations relied on to the detriment of the homesteader. Nor are these isolated instances, but rather the result of substandard practices and administrative weaknesses which had to be recognized eventually by the Interior Department and led to personnel changes designed to strengthen the administration of the public land laws in the Anchorage district.

Accordingly, rather than considering this "preferential treatment" it would seem fairer to look upon such remedial legislation as being compensatory in nature so as to equalize the standing of these homesteaders with the situation of those in other parts of Alaska and in other States who escaped injury because the land laws were properly and impartially administered in their areas.

Obviously this does not mean that the State of Alaska needs to, or should, depart from the sound policy of reserving mineral resources where lands known to be prospectively valuable for minerals are disposed of for agricultural purposes.

It has long been a bone of contention between opposing schools of thought, both within and without the executive branch of the Government, whether or not the United States should, whenever possible, give recognition to equitable and moral claims as against the Government's technical legal rights. I have always been of the persuasion that our Government is looked to by the citizens for standards of conduct and that it is therefore all-important to the preservation of our society that it be above moral reproach in its dealings with individuals or groups of citizens. I am happy to note that through your proposed legislation you have given recognition to this view.

* * * * * * *

Sincerely yours,

EDGAR P. BOYKO, *Attorney at Law.*

NINILCHIK, ALASKA., *July 1, 1959.*

Senator ERNEST GRUENING,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRUENING: I took out homestead No. 020262 on March 13, 1952, at Ninilchik, Alaska.

1. Veteran, 4½ years, U.S. Air Force.
2. Came to Alaska in 1948.
3. Married and have five children.
4. Lived on this homestead and spent about $10,000 to develop this place.
5. My opinion: Anchorage Land Office (1) "A JOKE." (2) "IT STINKS."
6. Never had anything but trouble with them; always gave me a big runaround.
7. All homesteaders have the same problems with this land office; ask some of them. Even the ones who don't have present-day oil troubles.
8. Proved up but have never received the patent to my place.

They tell me now if I don't sign an oil waiver they are going to take away my homestead.

I will never sign an oil waiver, so they will have to take it away from me—my wife and five little Alaskans—and give it to some millionaire oil company in the smaller States. This land was classified as farmland, and I have never received notice to any different classification. We had the guts to homestead this land.

Sincerely,

RICHARD HOSTETTER.

P.S.—Do something! If they take this land away from me, I think I'll try Australia.

ANCHORAGE, ALASKA.

Senator ERNEST GRUENING,
Senate Office Building, Washington, D.C.

DEAR SENATOR GRUENING: I am hesitant about writing you at this time, knowing full well how busy you are with the opening of Congress. However, as the Interior Department—namely our friend, Mr. Seaton—is pressuring us homesteaders with a 90-day time limit to surrender our rights to the oil trusts or get out of Alaska, it is urgent that any action which can remedy the situation be taken at once. I am but one of 200 to 500 homestead cases in the Anchorage Land Office in a similar category.

I first came to Alaska in 1936 and have resided here ever since except for time served in the Armed Forces overseas. In the spring of 1955, I received my first opportunity to homestead in the Matanuska Valley, which I did. Using my veterans rights I submitted my final proof papers 7 months later in the spring of 1956—before the Kenai oil strike. With full faith in the justice of our homestead laws I had at this time invested $7,000 in improvements and cultivated 20 acres of land on my entry. According to land office circulars a veteran is supposed to receive his patent immediately following submission of such a showing. The original geological report showed my entry as not prospectively valuable for oil or gas and there was no reason to believe that I would not receive full rights as all previous homesteaders in Alaska had done.

In July 1956 the land office suspended issuance of all homestead patents. (This was evidently a deliberate stall for time until the Interior Department

could find some legal means of taking away our oil rights. No mention was ever made in the Anchorage Land Office of the 1922 law which Mr. Seaton's men finally came up with when we originally settled on our land.) And as I still had faith in due process of law I was content to wait for my patent to be processed through the red tape of the land office, meanwhile trying to develop a farm out of a wilderness entry.

Senator, today, 3 years after submitting final proof on my entry and with approximately $15,000 improvements and 80 acres of cleared land, I received a letter from the Anchorage Land Office stating that I must sign a waiver to my oil and gas rights within 90 days or be kicked off the land that I have spent my life's savings and 4 years of hard work developing. If I sign the waiver, the oil companies will be able to drill wells, build roads, pipelines, pumps, etc., in my fields or elsewhere on my property with no recompense for property damage.

I can only hope that you can visualize my feelings and the feelings of other homesteaders whose patents were held up deliberately by Mr. Seaton's Department until they could sell us down the river. I do not believe that any Alaskan is against development of the oil industry but with 365 million acres of land in this great State, I, for one, do not believe that they are justified in grabbing the 2,000 or so acres involved in these homestead patents.

We can only ask as pioneers who entered upon the land in good faith for help. If possible, get some legislation passed in this session of Congress giving full rights to any settlers who entered upon land in Alaska at least before the Kenai oil strike.

We farmers know full well the terrific workload placed upon the shoulders of our representatives in Washington, D.C. However, you men, Senator, stand alone, our last hope against the great oil trusts in the opposite party. Any action which you could possibly take will be appreciated back home. I am enclosing a copy of the land office ultimatum.

Sincerely,

DONALD CHURCH,
Homestead Entry, Anchorage 029582.

KENAI, ALASKA, *July 1959.*

Senator GRUENING.

DEAR SIR: We would like to, at this time, tell you how thankful we are in what you are trying to do for us homesteaders here on the Kenai and cannot understand Secretary of the Interior Seaton taking the stand he has. But he will find us fighting for what is right and what he has in mind certainly isn't right, if he intends to take away mineral and surface rights of those that had their allowance before July 23, 1957.

We are with you 100 percent all the way. And thank you again for what you have done for us. We are one of the few homesteaders that Secretary of the Interior Seaton is talking of taking away clear title to our 160 acres of good farmland. And, we would like it to be known that certainly through no fault of ours that we were not in the group that had final proof in before the oil well came in. Our application was accepted and our allowance sent us, without signing a waiver.

We applied for our homestead in June 1955, received our allowance to move on July 1955. We built our house and moved in in August 1955, besides making our living for the winter months ahead. Through the following year of 1956 we were unable to obtain a Caterpillar to clear our land. We even tried to get the use of the soil conservation Caterpillar, but through those in control and wrong information that also was impossible.

Finally, three of us neighborhood homesteaders bought a used Caterpillar together. By then we had 20 acres to clear which we had with breakdowns and repairs completed in fall of 1957.

But, we came here in 1955, from a farm and had plans to farm here in Alaska, as, from what we had found out sounded good. We knew it was going to be very very slow, and very hard going, for some time, and that we would go without a lot of things we were used to, including recreation for our children throughout all this time.

We have worked hard on our homestead, most of it hand work. We were told by the BLM at time of applying for our homesteads that it was clear, nothing reserved, and no leases on it. It was clear, and, classed as such.

And why should we now have to sign a waiver and give away what is important to any dirt farmer?

We feel "proving up" on a homestead is like buying a car, etc. Certainly wouldn't want the seller to come take the tires, battery, and headlights when all was paid for, and ready for the title. Well, this is what Seaton is trying to do to us few homesteaders. There was no mentioning of "waivering" any part of our homestead when we received our allowance to move on. So why should we have to do it now?

He, Seaton, states we "very" few would be the ones to benefit from this bill if it passes.

How does he figure it that way? Doesn't he think about how much of the money will be put back into Alaska if they hit oil or gas on our homesteads? Most of us that have come to Alaska came with a persistence to make a go of it. Most of us had dreams to build a future here. Some, it is true, won't stay here to build Alaska greater but those few we would not want here anyway.

We have always been farmers and want to continue to be farmers. Where we were farmers they were paying you not to farm and our farmland was one of the best types. We have also picked very good soil here and good water supply.

We feel that we are entitled to a clear title. We came here long before they started drilling and had our allowance to go ahead and do our improvements and did that as fast as we could and still make a year around living for our family of 11.

We feel we should have a clear title, no reservations, and we intend to fight for just that.

If the Government wants to pay us for our hardships and improvements they can have this homestead. Maybe we can do better in Australia.

Waiver—the "voluntary" relinquishment of a right, privilege or advantage. This, we do not intend doing—signing this waiver we have, voluntarily. We believe it to be our right, our privilege, and also our advantage not to sign.

Mr. and Mrs. KENNETH MCGAHAN.

SPENARD, ALASKA.

Hon. ERNEST GRUENING,
U.S. Senate, Washington, D.C.

DEAR SIR: A few days ago I received a notice from the Bureau of Land Management stating I have to sign a mineral waiver before I can get patent to my homestead, No. 031504, original S½ NE¼, NW¼ SE¼, section 28, and No. 032296, additional SW¼ NW¼ section 27, township 5 north, range 10 west, Seward meridian.

I filed on these lands November 1955. I received my notice of allowance December 1955. At this time it was classified as agriculture lands. We completed our required residence in 1956. We cleared and cultivated over 20 acres, built a nice house. The Bureau of Land Management had made a field check and given a favorable report, and I filed final proof in September 1957. At this time the latest Geological Survey report classified this land as agricultural. The land office here still gave us to understand that we would get our mineral rights. On February 1958 I received my notice for publication (copy enclosed), in which the manager of the land office states that if no protest is filed during the period of publication or 30 days thereafter, final certificate would be issued. We have been waiting for this certificate for over 1 year. In July 1958 the land office requested a Geological Survey report, 10 months after we filed final proof. Now we receive this notice that if we don't sign a waiver on mineral rights or petition for reclassification (which must be supported by geological or other data) within 90 days our homestead will revert back to the Government.

We have acted in good faith and have met all the requirements up to this point. We have invested over $5,000, plus time and labor of myself and family, valued at over $10,000. If I sign a waiver of mineral rights, an oil company can lease these rights from the Government for about $40 and at any time they can come on any part of my homestead as they choose, without my permission, and not be liable for any surface damages whatsoever. It's like buying a house and paying for it, then the seller telling you he has kept a set of keys and is reserving part of the house in case his mother-in-law or some of his friends want to move in with you.

The homesteaders have petitioned the Government through the Alaska Governor's office to be able to lease the mineral rights on their own homesteads

so that they will have jurisdiction of their own land. In this way the Government won't be out any lease money.

I would like to further develop my homestead so I can make a living on it, and this I cannot do, as I can't get financial assistance until I can get title to the land. This has been held up for more than a year now. I am intending to file an appeal. A good many homesteaders who filed prior to the oil discovery are in this same predicament.

Your assistance and advice in this matter will be greatly appreciated.

Sincerely yours,

LOREN M. HEATH.

COHOE, ALASKA.

DEAR MR. GRUENING: The oil rights of the Kenai homesteaders have been challenged on the basis of the amount of revenue the State will lose if legislation is passed allowing the homesteader to retain his oil rights. This sum is represented to be in the millions of dollars.

Let us examine the contributions of the homesteaders that are affected by the Department of Geological Survey's ruling. What is the value of their homesteads to the State:

There are over 100 homesteads on the Kenai Peninsula who filed on homesteads before the Swanson Creek oil well was drilled. However, as an example, let us determine the contribution of only 100 homesteaders. The cost of proving up on a homestead in the Kenai area has consistently averaged $15,000 per 160 acres. On this basis, 100 homestead families have pumped $1½ million into the economy of the State on proving up alone.

The Department of Agriculture from studies made in Alaska has advised us that the average expenditure to bring a farm in Alaska into production is $50,000. A farmer, in order to pay off his capital investment, must gross one-third of his investment to pay off the principal and realize a living wage each year. On this basis, the contribution 100 homesteads will make to the economy of Alaska figures out at $1,660,000 per year on a $5 million investment.

The round robin effect of this much money pumped into the economy of an area is hard to evaluate in the amount collectible in tax dollars. If we were to follow the path of a stay-in-Alaska dollar that remains in circulation, its tax potential becomes astronomical.

Let us say that the farmer buys a pound of seed from the feed store; the storekeeper, in turn, uses the dollar to purchase gasoline; the station-owner uses the dollar to buy medicine from the druggist and so on through a hundred transactions over the period of a year. Each transaction adds to the gross sales of the merchant on the taxable wage dollar of the worker. Each transaction is a possible avenue of tax revenue. It is not inconceivable that this dollar will return 100 percent of its value in tax revenue to the State over the period of the year.

Let us take a brief look at oil as an avenue of revenue on homestead lands. The Department of Geological Survey in the geological report of this area shows tertiary deposits starting at Homer and extending northward; another tertiary deposit originates in the Swanson Creek area and goes southward. In this report, they state that the occurrence of oil is not probable in these formations.

Standard Oil, in their advertisement in the Juneau Independent, states that the average number of oil wells drilled in a proven field is 1 to 320 acres.

The Kenai oilfield, on the basis of the known formations, is broken up by the upheaval of the land to the extent that most of the oil is probably concentrated in pockets. The average depth of wells driven so far in this area, is more than 12,000 feet. Wells this deep, by the law of economics, require more land than the 320 acres. In this type of formation, and at the depth the oil formation lies, the wells drilled on the Kenai will, in all probability, be concentrated over known pockets of oil and be spaced at wide intervals.

The wells driven on the homesteader land affected by the department of Geological Surveys classification, will be very small. It is to the oil companies advantage to drill first upon Government land. We very much doubt that any wells will be drilled upon private land for years to come.

If we balance farm revenue against an uncertain income to the State from the relatively few oil wells that may be drilled on homestead lands we must realize that oil revenue is a one-shot affair. The State receives a small percentage from each gallon delivered on an uncertain flow of oil that has an

unforeseeable life expectancy. Oil does not flow indefinitely: the farmer will be with us forever.

We homesteaders are not opportunists. We came here before oil was discovered. We have developed our homesteads because we have faith in the future of Alaska. We have had no Government help. We hardly need point out to you the huge expenditures used to stabilize the economy of the farmer in the other 48 States. Our Congress, in its wisdom, understands that the economy of our Nation lies within its productive farmlands. We, the citizens of the United States, learned a hard lesson by the great depression of the late twenties and the early thirties when the economy of the farmer fell far behind the productive capacity of industry. Our national economy did not recover until millions of dollars had been pumped into agriculture. Most of this aid to agriculture has not as yet become available to the Alaskan farmer. Any outside income a homesteader might derive from an oil industry in his area is that much less help he would require from the Federal Government.

When we balance all these factors and many more yet not apparent against an uncertain oil revenue, we have a bird in the hand that balances very favorably with the bird in the bush the State may never catch.

ALASKA ENTRYMAN'S RIGHTS ASSOCIATION.

SOLDOTNA, ALASKA.

HON. ERNEST GRUENING,
U.S. Senate, Washington, D.C.

DEAR SENATOR GRUENING: Please don't let anyone tell you that the State will lose large amounts of revenue if your bill goes through. The number of homesteaders who actually would obtain rights under a July 1957 deadline is small, not much over 150 by my reckoning. Loss to the State of royalty money is therefore infinitesimal since the land involved amounts to only about one-twentieth of 1 percent of the State's 103 million possible acres or one one-hundredth of 1 percent of total Alaska acres.

Any royalties received by these people would be plowed right back in development and provide additional tax base anyhow. I firmly believe that these homesteaders will put more back into Alaska than the dozen or so leaseholders who would receive the oil rights if the homesteaders do not.

In justice, the homesteaders who filed before the discovery deserve their rights.

Sincerely.

FRANCIS E. MULLEN.

KASILOF, ALASKA.

DEAR SENATOR GRUENING: We do not consider ourselves a select group; we are a group of so-called little men who believe in our land and country and are fighting for what is rightfully ours.

The homestead laws definitely need adjusting as they are not stable enough for present times. * * *

The truth of the matter is that no waivers were sent out until after July 23, 1957, when Richfield struck oil. We believe that everyone that had an entry before this date is entitled to their rights.

We are sure that you will give this bill you are planning to introduce special and full consideration.

We on the Kenai are hopeful that this matter will be cleared up so that we can obtain our patents and plan our future and our children's on our land that we have worked so hard for and continue to help build Alaska to the great place it is intended to be.

Sincerely,

CHARLES G. MARTIN.

ANCHOR POINT, ALASKA,
February 2, 1959.

HON. ERNEST GRUENING,
U.S. Senate, Washington, D.C.

DEAR SENATOR GRUENING: My husband and I are homesteading and have been since 1956. We really appreciate your recent stand on oil and gas rights for the homesteader. Since we are about to apply for a patent we are very in-

terested in this matter. As far as we know not only are we not granted oil and gas rights, but an oil company may come onto our land and drill any place they please without compensation to us. We have put a great deal of time, effort, and money into our homestead and don't wish to throw it to the winds; however, signing our name to a slip of paper that says an oil company more or less can do what they please with our land is too much for us to bear. We sincerely hope that you will be able to rectify this matter. I believe most any homesteader will agree that this would be very desirable.

We are proud of your work in Washington, both past and present.

Respectfully yours,

Mrs. GLENN VLATER.

CAPE YAKATAGA, ALASKA.

Hon. ERNEST GRUENING,
U.S. Senator, Washington, D.C.

DEAR SIR: I was advised by my good friend, Heinie Snider, to write to you concerning my homesite problem.

We applied for this homesite under the act of May 26, 1934. It was officially filed April 17, 1953. We still do not have a title. When we applied for, advertised, and paid for this homesite, there was no question about us not getting a clear title.

We never have understood the delay at the land office in sending us the title. As a result of the delay, we are asked to sign a release to gas and oil on the homesite before we can get a title.

Having lived on this site since 1918 and applying in good faith for ownership, it is disturbing to have recent developments that were not mentioned at the time we applied, cause us to sign the release or lose the site.

Homesite No. 012377, lots 16, 17, and 23. Sec. 25, T. 21 S., R. 17 E., C.R.M.

Sincerely yours,

Mrs. BEN WATSON.

KENAI, ALASKA, *March 25, 1959.*

Mr. PHIL HOLDSWORTH,
Commissioner of Mines,
Juneau, Alaska.

DEAR SIR: * * * One block of ground in this area is held by an individual who now lives outside in another State. The State will receive 50 cents an acre on the ground he is able to tie up with all rights, making this ground barren and valueless.

If the homesteaders on that same ground get their oil rights, they will spend every nickel here, plus they will improve their property, giving this area and all of Alaska a more stable economy.

I have clear title with oil rights on my homestead, so this may or may not concern me. But I leased my ground to Standard Oil. My lease money went to a local lumberyard, for material to improve my new home. I want to see more and better homes in my own neighborhood. If these homesteaders around me do not get their oil rights, incidentally, those same homesteaders have been here since 1953 and 1954, then they cannot make improvements, they can do nothing, because under existing lease rules, the oil companies can drill in their backyard, front yard, or even living room. Can you say that this is progress? * * *

If these homesteaders, who have waited so long for patents get their oil rights, this will be monetary gain for them individually, and for the State in the increased value of improved ground and living conditions.

Sincerely yours,

JAMES ARNESS.

KENAI, ALASKA, *March 14, 1959.*

Hon. ERNEST GRUENING,
U.S. Senate, Washington, D.C.

DEAR SIR: * * * In view of your action favoring oil rights for Kenai entrymen, we the undersigned, wish to add our support to your efforts.

Kenneth and Margaret McGahan, Bernard McCarthy, Arthur C. Lee, Ethel D. Randall, James Bergsand, Claire Gagnin, William Destry, Mrs. James Linderman, Frank Hudson, The Powells, Leonard

D. Holt, L. E. Brown, John J. Yurman, Paul E. Puckett, Stanley and Caroline Huhndorf, Norman McGahan, Harry L. Riding, Elise J. Riding, Bernard W. Toliff, Bertha Porter, Joseph M. Wolding, Robert J. Latzka, A. E. Olson, E. A. Dossow, Donald Kelly, Alfred Wik, William Steib, Leonard Dennis, Georgine Sleib, Daniel Johnson, Goldie Johnson, Dean F. Rounds, Mary I. Rounds, Charles Gagnan, Andrew Huthenen, Lois McGahan, Leo T. Albert, Thomas V. Southard, Charles W. Stiles, Luther R. Rogers, James Arness, O. L. Nicholas, M. J. Hergatt, Raymond D Gee, E. C. Winz, Audrey R. Anderson, Galen E. Gray, Robert A. Smith, Walter F. Myrick, E. E. Mueller, J. J. Weaver, Donald L. MacNevin, Dennis D. Green, A. C. Naisber, Henry R. Trusty, Jean Rogers, Odgen J. Gelle, Audrey S. Gelle, Kathleen Tum Suden, Faith Archer, John B. Smith, Tony Bordinelli, W. L. Hansen, Anne L. Hansen, David G. Bell, E. McGahan, Hubert M. Johnson, W. E. Gibbs, L. J. Whittington, Herman R. Hermansen, Eugene D. Smith, Alexander P. Shadura, B. E. Mulvaney, Alexander M. Ross, Herrick A. Poore, George R. Pollard, Blaine E. Saunders.

KENAI, ALASKA.

Hon. SENATOR GRUENING,
Senate Office Building,
Washington, D.C.

DEAR SENATOR GRUENING: What can you do to help the homesteaders who are certainly in need of your help and support, plus the support of everyone who is interested in seeing the right thing done?

We are all supposedly endowed with the rights of life, liberty, and the pursuit of happiness in this new State of ours—the same as any other U.S. citizen.

Well, we are not living—we are existing. Can you live under the conditions that many of us homesteaders must put up with, when we feel we can't go ahead and make things more comfortable, because tomorrow we might have our homes ordered from under us? Those who already have these orders (people who have proved up but refused to sign a waiver and have never received the title that they have earned) are given 90 days to remove their improvements. Could you move 20 cleared acres, a cement foundation, a well, a cesspool, the fertilizer, and conditioners that it takes to prepare the ground for planting, not to mention the hardship and living conditions which we and our families went through because we were building a future?

A great many of us have earned our titles a year, 2 years, and even 3 or 4 years ago, and put in our final proof which was approved, but we have not been permitted to advertise. The land office tells us they are too busy to sign the papers, but if we sign a waiver they will take care of it immediately. Does our signing a paper make them less busy?

If we don't own the oil rights, why do we have to sign them away; and, if we do have the right to them, is it right and lawful to procure our signatures under duress with the threat of taking away our homes plus everything we have worked toward and setting our children out in the streets? Is this the American way?

To proceed to No. 2—liberty. Is this liberty?

Then comes the pursuit of happiness. True, it only gives us the right to pursue happiness. But we were doing this to the best of our ability by trying to build a comfortable home, when someone from the land office decides they will take it upon themselves to push us back down just to show they can—for they have the backing of our Government. Is this government of the people, by the people, for the people?

Supposedly the waivers turn the oil rights over to the Federal Government—but do they? There are applications for lease on all these lands, and when we sign a waiver the oil rights go to the speculators. True, they pay the Federal Government 25 cents an acre; but, if this is the issue, why can't we have the first opportunity to pay this 25 cents an acre on our own ground?

BERTHA PORTER.

KENAI, ALASKA, *March 31, 1959.*

Senator ERNEST GRUENING,
Washington, D.C.

DEAR SIR: We, the homesteaders of the Kenai Pennisula, Alaska, would like to solicit your help in the solution of a problem we find we have, in conjunction with our homestead filings. Listed below are some of the factors involved.

When we filed and settled on the lands, in question, we had one main concern, farming. We were given land allowances with all our rights, or releases from the geological survey office, and now have filled our part of the bargain with our Government. Now we cannot get our patents, because we will not sign oil waivers. We contend that all dates taken, concerning oil rights, would be the date we were given our land allowances, providing we completed our requirements. This is necessary as some, who had land clearing problems, didn't file their final papers, for patent, until after oil was discovered, even though they had been in residence since 1953. It seems logical that the date of allowance be used, as that is the time in which the Government released the lands concerned, for the action to be taken and henceforth completed by the homesteaders. If the homestead claimant completes his part, the patent then becomes the last stage of his action, and mainly the legal document for his land.

An item of intense interest and discussion is the date in which the Geological Survey Office claimed this land to be valuable for oil; which is the basis of all the actions taken against us, by the Bureau of Land Management. As of this date, the Geological Survey has done no fieldwork in connection with oil discovery in this vicinity. The conclusion of, prospectively valuable, came after the discovery of oil on Swanson Creek, by an oil company, not by the Geological Survey, who had already issued reports that the area had no oil. If the Geological Office is going to classify this area as feasible for oil prospecting, would it not be more fair and proper to give those with prior land allowances the first chance for oil rights? As it is, in many cases, the oil leases are given to second parties, who in turn will lease them to the various oil prospectors, who can then enter upon our lands and do as they please. Would it not be more in the American way of doing, if the people who have had the lands in question, who have fought through the past few years to build homes and improve their lands, who are all an exciting part of this new State of Alaska, were to be given their full rights.

Much concern has been raised by the possibility of the Federal and State Governments losing too much money on leasing and royalties. Several factors exist in this respect. First, there are only a few homesteads involved, and this makes up a very minute portion of the actual lease lands. The amount of money paid to the Federal and State Governments, for leases, will be far less than the amount that will be paid through income tax and property tax by those few homesteaders involved in the issue. Does it not seem logical that in the years to come, our State will lose millions in property tax alone?

It must be understandable that our lands, without oil rights, will in no way be as valuable and consequently as taxable, as the lands with the oil rights. Is there any assurance that the oil companies will lease these lands for any number of years? Nevertheless, it is a fact that we the people will pay property tax for generations to come. Will not this offset the amount the State may expect to lose? Then comes the moneys paid for the leases, to resident landowners with oil rights. Undoubtedly a large portion of their revenue will be spent here in Alaska. This will give a greater spending power to those who are a part of our State and consquently be of a great help in making our statehood a success. Those of us who are attempting to carry out a farming policy, can be expected to invest further in bettering our homes and lands. Let us be ever mindful that this will also greatly add to our national defense and help strengthen our country as a whole. As we improve our lands, we improve our State, also have more taxable property, thus adding to our State treasury. It must be remembered, too, that an individual can borrow money on the valuation of his property. Lands without oil rights will be of much less value, thus restricting the loan valuation, and impairing the progress of the landowner.

We are all hopeful that there has been a misinterpretation of the law of 1922. That this law, if necessary, be amended to give the oil rights to those who had land allowances, before the date used by the Geological Survey office, as the date of oil discovery. This amendment would need only apply to Alaska or the Kenai Peninsula.

We, the homesteaders on the Kenai Peninsula, Alaska, feel certain that our Government of the people, by the people, and for the people will not let us down. That our Congress and our President will come forth, in this issue, giving us the rights which we have earned—our patents, including all our rights.

Sincerely,

ALEXANDER MCFARLAND ROSS.

KENAI, ALASKA.

Senator ERNEST GRUENING,
Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR ERNEST: * * * In the circulation of the enclosed letters, 99.5 percent of the people voiced their indignation and expressed their desire that your legislation to benefit the homesteader should be passed.

Since we are working against time, the area of Kenai-Soldetna-Cohoe, and Kasilof were only covered. It is my belief that had we the time to cover the whole Kenai Peninsula of Alaska that the voters would overwhelmingly express the same attitude.

Copies of this enclosed letter from the people are going to Senator Bartlett, Acting Gov. Hugh G. Wade, Representative Ralph J. Rivers, and to Representative Allan Pettersen in Juneau.

Sincerely yours,

ALEXANDER P. SHADURA.

KENAI, ALASKA, *March 24, 1959.*

Many responsible officials including Interior Department officials have admitted the need for a change in the law (act of March 8, 1922) in order to give fair and just consideration to the settlers of the land. The land area involved in this controversy is very small compared to the Federal-owned lands. Should the mineral ownership dispute be adjudicated in favor of the homestead entryman resultant loss of revenue to the State from the royalties on these homesteaded lands would be inconsequential. However, if the mineral rights are given the State or Federal Government, a tremendous betrayal and loss will be perpetuated upon the homesteader, who worked diligently and expended great sums of money in performing his requirements to earn equitable title to the entered lands. There are many homesteaders involved in this situation because of BLM bottlenecks not attributable to the homesteader but which delayed BLM actions in processing final proof submittal which should have resulted in issuance of patents without oil and gas reservations.

When Senator Anderson, of New Mexico, attempted to introduce an amendment to H.R. 8054 bill passed by the 85th Congress which amendment proposed to raise the rentals on Federal oil and gas leases in Alaska from 25 to 50 cents per acre and to make that rental increase retroactive and apply to all pending Federal oil and gas leases, a tremendous protest was made by the oil institutions, and Federal oil and gas lease applicants who rightfully argued that they applied for leases on hundreds of thousands of acres of Federal land and planned development on those lands because of a Government-sponsored incentive that such lease could be acquired for a first 3-year rental of 25 cents per acre. The Insular Affairs Committee with the approval of the Secretary of the Interior recommended that the increase should not be made retroactive because to do so would be a betrayal to the terms and conditions under which the U.S. Federal Government offered to lease its lands to U.S. citizens and companies. We agree that that decision was wise and morally just and saved oil companies many thousands of dollars which would have been required of them to pay had the rental increase been made retroactive. Therefore the oil company wasn't victimized in the processing stage of an agreement with the Government.

Now the homesteader who has made entry upon his lands, builds homes, clears land and performs his required duties to earn patent to his land has a very similar situation in that he performed his required duties with the governmental suggestions that he will gain ownership of the land and whatever mineral value

is contained under his land excepting for coal and radioactive minerals. Using the above-mentioned rental increase proposal as an example: Why then, is it not just as unfair to change the land classification on an entryman performing his required duties, and through an outdated law deprive him of the rights and entitlement to his land under the conditions which the Government offered at the time he entered into his effort to earn patent.

As your constituents, we plead that you voice an immediate and vigorous protest to Mr. Holdsworth's recommendations and to encourage legislation to give the mineral rights to those homesteaders who had made entry and were expending money and energy in settling their lands before oil was found to exist on the Kenai Peninsula. If given the mineral rights, those homesteaders will lease their land to the oil companies and a more orderly and harmonious development of the oil and gas resources of the peninsula would result. Such development would benefit the homesteader, the State, and the oil companies alike. If the mineral ownership is reserved to the State resulting in the homesteader suffering surface damages from exploration without the benefit of the fruits from such exploration, a critical situation of confusion and trouble most certainly could jeopardize the success of oil and gas development on the Kenai Peninsula and all parties concerned would fail to benefit.

Voters on the Kenai Peninsula: Alexander P. Shadura; Jack Lewis; George W. Johnson; Robert A. Eaton; Louis Nosen; Florence Lancashire; Ruby S. Cagle; Beatrice I. Suthord; Paul P. Shadura; Ward Showalhik; Richard L. Wilson; Howard Wilson; Abe Wilson; Chester H. Cone; Albert C. Lee; William H. Wells; M. L. Grange; Helen C. Jones; Arthur Fass; Leda E. Shadura; W. L. Seely; Raymond J. Foldager; Waldo E. Coyle; Orville B. Thomas; Nickitha Mishakoff; Arlon Ball; Paul Wilson; George Sherman; C. F. Cline; George M. Frazier; Melba Frazier; Leah Estes; Rev. Carl S. Glick; F. Howard Hudson; Morris L. Porter; Marguerite Bidwell; James B. Marshall; Norman McGahan; Leonard D. Holt; George A. Navarre; Arthur P. Outlaw; Stanley F. Thompson; Autry L. Holt; Allen S. McGrady; Dennis Thompson; Rosemary Navarre; Dale Tutwell; Phillip Wilson; E. Showalth; B. E. Mulvaney; J. S. Miller; Ken McGahan; Bertha Porter; Grace Cole; Margaret McGahan; James Bergsrud; C. W. Rice; Helen Haworth; Leo T. Oberts; Wayne D. Sterling; Sharon Sterling; Billy McCann; V. L. Chamberlain; Rayle Parker; Beula M. Grange; Ralph James Pate; Jaeger Haagnsen; Margaret T. Mullen; Howard J. Brinkley; Leslie B. Naff; Chell O. Bear; Verona T. Wilson; Lewis H. Johnson; Vera Franklin; Donald E. Wilson; Leo F. Reeves; Mrs. Leo Reeves; Ted V. Grange; L. H. Lancashire; Carl H. Swanson; Catherine Swanson; C. J. Hansen; Bert Hansen; William Ness; James E. Hollingsworth; J. W. Showalter; Mrs. David G. Bell; Bernard D. McCarthy; Ethel D. Randall; August Ness; Joe Consiel; Walter A. Lahandt, Jr.; Irving Molander; J. W. Thompson; Dean L. Rounds; Duke Dering; Don F. Cole; Frost Jones; H. C. Jones; McGahan; Wayne F. Morgen; James Goff; Rita Goff; Elizabeth Norman; O. Wanda McGahan; Daniel Johnson; Goldie Johnson; Joseph M. Wolding; Percy Johnson; Vera Johnson; Josephine Davidson, B.S.V.; Jimmie L. Davidson; H. A. Poore; Virginia Poore; Kathryn Nichols; Daphine McLane; Stanley S. McLane; Leota E. Patterson; Fayrene McIntosh; Bill Patterson; Clarence Cases; Carl Hancock; Kenney Javelt; Jerome Agre; Grant Rember; D. M. Imges; Richard J. Hlebechule; Wilbur Schroeder; R. H. Gaines; Mrs. R. H. Gaines; Floyd D. Boatman; Thomas Walsh; Walter Whitley; William S. Olsen; Thelma Olsen; Peggy Filkel; Wayne Fikel; Josie Seward; James M. Seward; Ray F. Murphy; Luther R. Rogers; Jean Rogers; Henry R. Trusty; Ella M. Trusty; Henry H. Knockutedt; James V. Arness; Fred E. Burgess; Jessie C. Ainsworth; Mary Ness; Mrs. A. F. Johansen; Waino Hakkinen; Francis E. Mullen; Wm. E. Thompson; Lavey W. Hodgson; Marjorie Madden; Dan W. Madden; Ethel M. Browning; Homer R. Browning; George Bonin; Dolores Bonin; Joan Lahndt; Fred R. Huebsch; Mrs. Fred R. Huebsch; Isaac P. Shadura; C. L. Heckel; Ray Mainwaring;

Irene Mainwaring; Issabella Harris; E. William Harris; George Jackinsky; Jeanne Jacocinisocy; Laura Savage; D. C. Walker; V. J. Savage; Norman O. Williams; Winona G. Williams; Alice Scarantino; Joseph Scarantino; C. W. Smith; Raffield Smith; Frank P. Clar; Chas. G. Martin; Judy Martin; Florence Burton; Raymond E. Burton; Chet Rull; L. R. Masek; F. R. Blake; A. F. Fauerbach; Archie Ramsell; Ann Ramsell; N. W. Webb; Trudy S. Webb; Harry Gerberg; Dolly Gerberg; Chas. O. Lewis; Elfreda Lewis; Carl E. Johnson; Karin Johnson; Dorothy E. Hermansen; Dorothy J. Tri; Wilbur A. Tri; Herman R. Hermansen; Martin E. Hermansen; Martin Hermansen, Sr.; Mrs. M. Hermansen, Sr.; Jess H. Nicholas, Jr.; Cynthia A. Miller; Carolyn L. Nicholas; Ira L. Miller; Charles B. Mead, Jr.; Myra S. Mead; Mrs. Michael Shepard; Harvey Fields; Helen Tri; Velma Shelley; Ernest E. Neuman; Rex C. Poe.

BRIEF ON HOMESTEAD OIL RIGHT IN ALASKA, PREPARED BY STANLEY F. THOMPSON, CONSULTING GEOLOGIST, KENAI, 1953–58

Homestead lands on the Kenai Peninsula in Alaska are the best agriculture lands left in our new State. Most of this land was withdrawn under Public Land Order 487 in 1948. Public Land Order 487 withdrew the land from settlement, location, sale, or entry for reclassification.

In 1952, under Public Land Order 1212, this land was reopened for settlement in the North Kenai area on a 90-day veterans' preferance basis. Later, in 1954, more of this land was opened for settlement, and has continued to be opened plot by plot up to the present time.

During the period of closure this land was examined and declared agricultural land. At one time a portion of this land was set aside for a displaced person's settlement, in which the Federal Government planned to locate a farm project similar to the Matanuska Valley project of the early thirties.

It has been well established that the Kenai land is agricultural land.

When this land was opened for settlement, the Bureau of Land Management selected the best of it and opened it up for homestead entry in 160-acre tracts. These tracts were not contingent to one another; they were scattered over a considerable area and were chosen because they represented the best agricultural ground in the area.

These homesteads were opened for settlement on a lottery basis. If a veteran's name was drawn, he received a homestead and was allowed to file on it and pay his $16 filing fee. After his land had been examined by the U.S. Geodetic Survey and declared agricultural nonmineral, he was allowed to move upon the land and proceed to comply with the requirements of the Homestead Act. This land was granted to the homesteader with no mineral, oil, or gas reservations.

Upon receiving a notice of entry, most of the entrymen moved upon this land and proceeded to build homes, clear land and otherwise comply with the homestead law. Under homestead law, a veteran is required to build a home, clear one-eighth of his land, plow and cultivate it, and sow it with a crop. If he intends to prove up in the first year and take advantage of the 2 years' waiver granted him under title 43, section 279, preference right of entry of World War II veterans, he must perform these operations in the first year. Under conditions found in Alaska, this is impossible. A veteran is therefore deprived of his rights under the clause that requires him to clear, cultivate, and seed the land in 1 year. Prior to the 1948 closure and after this date, veterans were not required to clear or cultivate this land. I bring up this point to remind you that if the veteran had not been required to perform the cultivation clause, he would have received his patent long before the discovery of oil and would have received the same patent now being enjoyed by the more fortunate veterans who were allowed to file before 1948.

The time required for a homesteader to clear, cultivate, and seed one-eighth (20 acres in most cases) of land depends upon the type of land he received. The average time is 3 years. During this 3 years, groups of oil speculators insidiously filed oil leases on top of homestead land. When the word leaked out that leases were being filed, the homesteaders went to the land office and attempted to file an oil lease on their own homestead to protect the investment they had

already plowed into the land. These homesteaders were informed by the Anchorage Office of the Bureau of Land Management that it was illegal for them to file an oil and gas lease on their own land. They at that time stated two reasons.

No. 1: If a homesteader filed an oil lease on his own land, the action would constitute prima facie evidence that the homesteader did not take up the land for homestead purpose, but rather filed upon the land to speculate on oil.

No. 2: The homesteader was informed by the Anchorage Bureau of Land Management that the smallest parcel of land allowed in a single oil lease is 640 acres. This statement is only partially true. The first statement is an outright lie.

However, at this time and up to 1957, the Anchorage Land Office assured the homesteader that his rights would be protected; they assured him that the land was agricultural nonmineral, and that oil leases would not be allowed.

Up to February of 1958, the Anchorage Land Office would give out no information on the classification of the Kenai land. Upon inquiry direct to Mr. Nolan of the Geological Survey, we obtained the geological report and the date the land was reclassified potentially valuable for oil and gas. This report was obtained by Stan Thompson, U.S. Commissioner, and consulting geologist at Kenai, Alaska. From this report we have found that Mr. Nolan had reclassified the tertiary formations in the Kenai depositional basin potentially valuable for oil and gas. In fact, Mr. Nolan went further than this—Mr. Nolan reclassified this type of formation potentially valuable wherever it occurred in Alaska and the rest of the United States. The date of this report has been predated to April 22, 1957, 3 months before oil was discovered on the Kenai.

If we turn the spotlight on this classification, some startling facts emerge. On November 19, 1956, the oil leases filed by Mr. I. E. Grammer, Anchorage Land Office 028923 to 028925 and 029068, were rejected by the Bureau of Land Management after the U.S. Geological Survey had ruled the land in question was not potentially valuable for oil. These leases were filed over homestead lands on the Kenai. Using the same geological information, Mr. Nolan presumably reclassified the Kenai area potentially valuable for oil and gas on April 22, 1957, This is 5 months and 3 days after the L. E. Grammer decision. The L. E. Grammer oil leases were included in the new classification.

Mr. Nolan's smoothbore shotgun classification that covers Alaska and the entire United States is based on about the same type of information as the classification that claims the moon is potentially valuable for green cheese.

The fact that homesteaders are just people, and being in this category, are subject to all the human foibles enjoyed by any other class of people, should help you understand why we are fighting for the oil rights on the relatively few acres represented by homestead land. We would also like to enjoy the benefits of an oil industry in Alaska. We feel that we are entitled to it. We know that any revenue the State or Federal Government would lose if the lease should go to the homesteader would be more than made up by the very fact that any money we would receive would be plowed back into the land, and therefore make the land taxable at a higher rate.

Aside from this human factor, there are other compelling reasons why we feel the oil lease should rest with the homesteader.

One of these reasons is the fact that an oil industry on our lands is incompatible with agriculture. The oil wells drilled so far in the Kenai area utilize 5 acres of land. All the mineral soils upon this land are dozed off to the depth of 5 feet (average). One of these 5 acres is excavated to the depth of 40 feet (approximate). This 1-acre area is used for a catchbasin. Larger catchbasins will become necessary if the flow of a well necessitates it. This would use additional land. The subsurface formations in the Kenai are composed of alternating layers of sand, gravel, and clay. These layers of clay hold our water tables. Any drilling on the Kenai will lower these water tables. The exploration work now being performed on the Kenai has already lowered our water tables—in some cases as much as 40 feet. Any oil seeping from the catchbasins through the porous sands and gravels overlaying the clay will contaminate our water tables, and to a certain extent also contaminate the mineral agricultural soils. Any well out of control will further ruin agricultural land.

If an oilfield is to be developed on homestead land, the homesteader feels the only fair compensation would be for him to participate in the profits of the oilfield. Any bond placed by the drilling companies with the BLM to cover damage to homestead land would be subject to litigation when and if the homesteader

sued for damage. Most of the homesteaders' compensatory moneys would end up in the hands of the members of the bar association, and justly so, any lawyer winning a case against a major oil company would earn his fee.

To sum this up morally, the homesteaders' position is this. The homesteaders feel that the Federal Government, through the Bureau of Land Management, has violated the spirit of the contract mutually entered into by both parties. To explain a bit further, if I had entered into an agreement with John Jones to purchase a home and faithfully fulfilled my monetary obligations as stipulated in the agreement, and if at any time during the time this agreement was in effect Mr. Jones removed the foundation without my consent, you can bet your bottom dollar I'd start raising the roof.

KENAI, ALASKA, *March 5, 1959.*

Mr. EARL THOMAS,
Acting Director, Bureau of Land Management,
Department of Interior, Washington, D.C.

DEAR MR. THOMAS: It is inevitable that there will be an uprising between the homesteaders, oil leasees, and land office management officials in Alaska. There is no doubt, in my opinion, as to who is right.

Since the time of Thomas Hart Benton, the originator of the policy of homestead laws by which the public lands have been used and settled by homeseekers, has there been any more injustice done against the homesteaders than the land management in Alaska has done in the past.

The first thing which turned away hundreds of people from Alaska was the closure of the accessible land without notice to homesteaders back in 1948. This closure was for the specific purpose of classifying the land for agriculture. After this was done, it was then opened for homesteading. This brought hundreds of homesteaders to Alaska for that purpose.

Now the Secretary of Interior, in very short order after one oil well was drilled, declares or classifies administratively that all this land is to be oil land. The land office, in turn, started leasing homesteaded land and any other land by the thousands of acres. Now after these homesteads have been proved upon, they find out that they cannot receive title unless they sign away their oil rights. I would say that this act alone is enough for a congressional investigation. If this is not straightened out soon, I am positive that this will continue to boil and more violently as time goes on.

It seems a shame that the people have to write so many letters and bring pressure on the officials of the Government before it is governed for the people. Could it be that we do not have the right officials in our Government?

Sincerely yours,

RAYMOND D. GEE.

A PETITION FOR THE RIGHTS OF ALASKAN HOMESTEADERS

Wherein we, the undersigned citizens of Alaska from various walks of life, petition for and strongly urge—

1. The immediate passage, with no amendments, of Senate bill 1670, which provides that anyone having filed for a homestead on or before July 23, 1957, be granted the oil and mineral rights thereon;

2. That a hearing on the rights of homesteaders be held in Anchorage, Alaska, at an early date, with ample time given for the citizens concerned to present the various points of contention;

3. That no homesteader be acted against concerning oil and mineral rights until such hearing has been held.

Richard L. Rutt storekeeper, Anchor Point.
Robert E. Williams, homesteader, Anchor Point.
Fred A. Blayden, gig marker, Anchor Point.
Lloyd Griner, surveyor, Anchor Point.
Theodore W. Rozak, carpenter, Anchor Point.
George B. Howard, geophysical engineer, Anchor Point.
Phil Sonnichern, Anchor Point.
Bill Reid, Anchor Point.
Lloyd J. Stritea, Anchor Point.

Clinton R. Thurmond, bulldozer operator, Anchor Point.
Vern Mutch, homesteader, Anchor Point.
Bernadine Mutch, homemaker, Anchor Point.
Mildred Campbell, homemaker, Homer.
Charles L. Roser, carpenter, Box 172, Soldatna.
Arne W. Murto, Bureau of Public Roads employee, Box 97, Kasilof.
Douglas Towler, carpenter, Box 134, Soldatna.
James T. Fowler, lithographer, Box 134, Soldatna.
Kase Movane, housewife, Box 50, Kenai.
George Novaro, groceryman, Box 50, Kenai.
Edmond Mallette, draftsman, Box 134, Soldatna.
Marion J. Nuneous, aircraft, Soldatna.
Frank P. Chou, carpenter, Soldatna.
Anne Roser, housewife, Box 172, Soldatna.
June M. Mallette, housewife, Box 134, Soldatna.
Frances Char, housewife, Box 134, Soldatna.
Theresa Hollensworth, housewife, Box 124, Soldatna.
Thelma Murto, housewife and cafe and bar operator, Box 99, Kasilof.
Jerry Wills, laborer, Box 53, Kasilof.
Don Madden, carpenter, Box 142, Kasilof.
Kenneth P. May, surveyor, Box 44, Soldatna.
Jane Ivanhoe, housewife, Box 164, Soldatna.
Nancy Creary, housewife, General Delivery, Soldatna.
Barbara Andrews, housewife, Box 43, Soldatna.
Ethel M. Browning, homesteader, Box 114, Kasilof.
Alice J. Scarantino, homesteader, Box 166, Soldatna.
Marjorie Wills, housewife, Box 53, Kasilof.
Marjorie Madden, homemaker, Box 142, Kasilof.
Bernice Raffinspergen, homesteader, Box 173, Kasilof.
Ray Smith, homesteader, Box 64, Kasilof.
George Bonin, school teacher, Box 28, Kasilof.
Dolores Bonin, housewife, Box 28, Kasilof.
B. L. Watts, homesteading, Box 124, Kasilof.
Delia Watts, homesteading, Box 124, Kasilof.
Art Frisbie, watchman, Box 143, Soldatna.
Mrs. Kenneth May, housewife, Box 44, Soldatna.
Nina Robinson, housewife, Box 171, Soldatna.
Lewis Johnson, carpenter, Box 151, Soldatna.
Fred O. Regen, businessman, Box 133, Soldatna.
LeRoy Choppin, butcher, Soldatna.
Mrs. Leroy Knab, housewife, Soldatna.
Leroy Knab, roofer, Soldatna.
Leonard Horsefield, taxi driver, Box 164, Soldatna.
Mrs. Hazel A. Horsefield, housewife, Box 64, Soldatna.
Paul A. Weiner, minister, Box 162, Soldatna.
M. L. Mange, electrical superintendent, Box 161, Soldatna.
Mrs. Carl G. Moser, housewife, Box 296, Kenai.
John J. Weaver, carpenter and homesteader, Box 107, Kenai.
Gladys Weaver, housewife, Box 107, Kenai.
Verna G. Franklin, varieties, Soldatna.
D. E. Wilson, grocery store, Soldatna.
Veronati Wilson, grocery store, Soldatna.
Leo T. Oberts, real estate and insurance broker, Kenai.
James N. Hartley, TV and appliance sales, Box 79, Kenai.
Grace Cole, housewife, Box 97, Kenai.
Myron Cronce, Kenai Garbage Service, Box 118, Kenai.
George Shuman, Jr., airlines agent, Box 98, Kenai.
Paul Muruhy, laborer, Box 84, Kenai.
Rita Murphy, housewife, Box 84, Kenai.
Louis Nasseu, retired boatbuilder, Box 12, Kenai.
Miss Carole Olsen, student, Box 117, Soldatna.
Rex C. Poe, oiler, Box 122, Soldatna.
Ann V. Poe, housewife, Box 122, Soldatna.
Robert B. Nelson, operator, Box 65, Soldatna.
Kenny Carner, well driller, Box 125, Soldatna.

Charles H. Hill, bartender, 415 Fouth Avenue, Anchorage.
Richard L. Wilson, bar owner, Kenai.
Chill O. Bear, bartender, Soldatna.
Francis Williams, oil well driller, Soldatna.
Jack Martem, teamster, Anchorage.
Bill Boggert, teacher, Anchorage.
Bill Patterson, operator, Box 65, Soldatna.
Morris Coursen, contractor, Box 96, Soldatna.
Leslie B. Naff, contractor, Box 107, Soldatna.
John E. Caston, homesteader and equipment operator, Soldatna.
Alice Jackson, housewife, Box 175, Soldatna.
Ruby L. Knutsen, housewife, Box 175, Soldatna.
E. L. Jackson.
Tommie Carr, Soldatna.
Richard Miller, homesteader, Soldatna.
Jean Bumlow, housewife, Box 97, Soldatna.
Donald F. Zuroff, homesteader, Box 124, Soldatna.
Betty M. Zuroff, housewife, Box 124, Soldatna.
Francis E. Mullen, farmer, Box 52, Soldatna.
Chester D. Egner, homesteader, Kenai.
Eugene D. Smith, fisherman, Coker.
Morris L. Porter, garage owner and homesteader, Kenai.
Clint Young, printer, Clam Gulch.
Stanley Thompson, building material dealer, Kenai.
Loren Heath, homesteader, Soldatna.
Virginia Gibbs, housewife, Soldatna.
Wm. Gibbs, homsteader, Soldatna.
Mary Harbin, housewife, Soldatna.
Jess Harkins, plumber, Soldatna.
Mrs. Joan Reeves, housewife, Soldatna.
Mrs. Hector Girves, homesteader, Soldatna.
Hector Girves, homesteader, Soldatna.
Clarence Goodrich, homesteader, Soldatna.
Luella Demmam, homesteader, Soldatna.
T. W. Demmam, homesteader, Soldatna.
Ben Gives, carpenter, Kenai.
Leo Reeves, carpenter-homsteader, Soldatna.
Shirley M. Denison, teacher, Soldatna.
Melvin Carlson, construction, Soldatna.
Phil Wembler, mechanic, Soldatna.
Paul Nestor, concrete block manufacturer, Soldatna.
Raymond Sundstrom, heavy equipment operator, Soldatna.
Joyce Carro, housewife, Soldatna.
Mary France, teacher, Soldatna.
William T. Stock, mechanic, Soldatna.
Mrs. L. R. Anderson, store owner, Box 141, Soldatna.
Margaret T. Mullen, homemaker, Box 57, Soldatna.
Ned R. Encelewki, electronics technician, Box 94, Soldatna.
Jewel Whitaker, homemaker, Box 173, Soldatna.
Mrs. Ann Pace, homemaker, Box 152, Soldatna.
Judy Byrd, homemaker, General Delivery, Soldatna.
Lorraine Knight, homemaker, Box 112, Soldatna.
Clifford L. Smith, electrician, Box 55, Kasilof.
L. P. Anderson, grocery store, Box 141, Soldatna.
Robert Massey, homesteader, Box 33, Soldatna.
H. T. Laurence, oil worker, Box 61, Soldatna.
E. E. Kelly, oil worker, Box 61, Soldatna.
N. W. Watkins, homesteader, Box 42, Sterling.
Mary Lou Murdack, homemaker, Box 34, Sterling.
M. L. Grange, electrical superintendent, Box 161, Soldatna.
Sam Mullen, barber, General Delivery, Soldatna.
William O. Ford, truck driver, 837 Hyder, Anchorage.
Shirley L. Ford, housewife, 837 Hyder, Anchorage.
George Garner, grader operator, Box 319. Kenai.
Don Cutter, photographer, Box 3247, ECB.

Norma Fischer, housewife, 600 Northern Lights Boulevard.
Henry Fischer, airlines, 600 Northern Lights Boulevard.
Thomas Moore, carpenter, Northwood Park, Anchorage.
Charles Middleton, credit manager, 2607 Northrup.
Mary Lucille Laescher, housewife, Box 3367, Star Route B.
Marilynn Barks, housewife, Box 214, City Spenard.
Leroy Plaster, Southgate Shopping Center, 4100 Hayes, Spenard.
Roy Moats, service station, Star Route, Box 2101, Spenard.
Betty Padillar, housewife, Box 296, Spenard.
F. G. Patterson, homesteader, Box 4–351, Spenard.
Nelson E. Lettis, conductor, Alaska Railroad, Star Route A, Box 1420, Spenard.
H. L. Miller, merchant, Star Route, Box 401, Spenard.
Donnie McNutt, waitress, 2109 Star Route 3.
Frank Storage, oiler, 5194 H Street, Anchorage.
William G. Ferguson, sales, Standard Oil Co., 1909 Cleveland, Spenard.
Emory Lyons, retired, Box 1248, Anchorage.
Howard Smart, accountant, 2307 Northern Lights Boulevard, Spenard.
Donald Urlin, teamster, Safari Hotel, Box 1705.
Donald Christiansen, ironworker, 1115 Ingra, Fair View.
Almer Asbell, carpenter, 2600 North Wood.
Mickey McNiles, salesman, E. C. Apartments.
A. L. Cocknell, policeman, 1507 West 35th Street.
Goldie A. Baer, cook, 2510 Porter Avenue.
Walter Noack, baker, Lane Hotel.
Thomas McIlnay, longshoreman, 227 East Second Avenue.
Merritt Dunsmore, longshoreman, 301 Fourth Avenue.
Dewey Tank, miner, Box 427, Anchorage.
Gerhart H. Meyer, miner, Box 41, Anchorage.
Robert J. Foley, mechanic, 828 East 13th.
Dorothy Arnold, cashier, 301 Fourth Avenue.
Wilma Richardson, cashier, 656 Fairbanks Street.
John Murphy, ironworker, 301 Fourth Avenue.
Eugene Proby, warehouseman, 1128 Ingra, Anchorage.
Norman Russell, conductor, 714 E Street.
Norman Richter, teamster, 2701 Fairbanks, Spenard.
Wm. Westdahl, tile setter, Sand Lake Road.
John Savetilik, truckdriver, Klatt Road, Seward.
Ernest Massy, welder, 1338 10th Avenue, Anchorage.
Mike Baker, landscaping, Box 837, Anchorage.
A. L. Muldoon, carpenter, Box 1503, Anchorage.
John W. Broaddus, longshoreman, Anchorage, 2117.
L. W. Cogle, heavy equipment operator, 5040 Installation Group, EADB.
Harry Gardin, chemist, 1140 Inga, Anchorage.
Pete James, gold digger, 282 Much Street.
Wesley Guin, store clerk, Box 4313, Spenard.
Tom Faccio, plumbing shop, Box 4313, Spenard.
David Lynch, labor, 1144 East 9th, Anchorage.
Owen Saipe, manager, retail store, 3801 Perernny.
K. Burton Johnson, retail store, Mount Vini.
Mary A. Smith, housewife, Cohoe.
Elfreda Leavin, housewife, Cohoe.
M. W. Webb, fisherman, Cohoe.
Trudy Webb, housewife, Cohoe.
Bertha Schmeller, schoolteacher, Kasilof.
Frank O. Berry, retired, Anchorage.
Lillie M. Berry, housewife, Anchorage.
Ann Ramsdell, housewife, Cohoe.
William Shewbridge, farmer, Cohoe.
Herman R. Heimansen, fisherman, Cohoe.
Ethel Sims, housewife, Cohoe.
Myra S. Mead, housewife, Cohoe.
Grace L. Payton, clerk, U.S. Army, Cohoe.
Viola E. Hines, housewife, Cohoe.
Walt Christenson, trucker, Homer.
Mary Cheslak, housewife, Cohoe.

Chas. O. Stern, Cohoe.
Wilbur A. Trig, farmer and guard, Bureau of Public Roads, Cohoe.
Carolyn L. Nicholas, housewife, Cohoe.
Carl E. Johnson, fisherman, Cohoe.
Karin Johnson, housewife, Cohoe.
Florence Burton, housewife, Cohoe.
H. L. Jensen, retired, Cohoe.
Peter Madsen, retired, Cohoe.
M. T. Sims, steamfitter, Cohoe.
Robt. Olsen, fisherman, Cohoe.
Sylvester Chieshak, fisherman, Kadiak.
Garden S. Heimansen, fisherman, Cohoe.
Cynthia A. Miller, housewife, Cohoe.
Edna Aleshire, teacher, Anchorage.
Mrs. Grant Wilson, housewife, Anchorage.
Nancy Vatt, secretary, 919 Fourth Avenue, Anchorage.
Laura Lee Friezeman, housewife, Ninilchik.
Charlotte Simmonds, housewife, Anchorage.
Daisy E. Peterson, homesteader, Palmer.
Letty Wolford, bartender, Anchorage.
Ed Kalkan, seedsman, Anchorage.
David R. Heistand, photographer, Anchorage.
Ono Stewart, retail photo store, Anchorage.
M. V. Smith, salesman, Anchorage.
James Meannis, salesman, Anchorage.
C. C. Madison, 610 Irwin Street, Mount Vista.
Wm. Wright, 430 Fourth Avenue, Anchorage.
Robt. Grigerson, station attendant, Spenard.
Pauline Lugistine, 2900 32d, Spenard.
Helen Gallette, housewife, Spenard.
Robert Goren, self-employed, 1112 15th Avenue, Anchorage.
Bailey Bell, Jr., self-employed, 1334 K Street, Anchorage.
W. J. Caige, self-employed, Kenai Lake.
Elsie Dale, sales clerk, Anchorage.
David Gennell, investments, Box 819, Anchorage.
Rbt. Kennard, banker, Box 819, Anchorage.
R. McAtee, banker, Box 819, Anchorage.
Wm. Silmore, pilot, Star Route A, Box 479, Spenard.
L. L. Lander, finance, 6222 International Airport, Anchorage.
O. Loren, finance, 202 Kody, Fairbanks.
I. Knundsen, banker, Box 819, Anchorage.
Sara Gaylord, bookkeeper, 1310 G Street, Anchorage.
Stella Korden, housewife, Box 1178, R.A., Spenard.
Robert Penney, trailer sales, 3820 Spenard Road.
Olive Wiles, real estate broker, 628 Barrow, Anchorage.
R. I. Gunderson, engineer, 237 Denshi, Anchorage.
Marjorie Johnson, bookkeeper, 610 N Street.
David Strong, securities underwriter, Box 245, Anchorage.
Dorothy McGinn, teacher, 2809 Iris Drive, Spenard.
Royce Yeager, station operator, Box 5, 1053 Mount View.
Clarice Watson, housewife, Mile 17, Palmer Highway.
Johnny Hintzen, homesteader, Box 1005, Anchorage.
Ralph Wilkinson, mechanic, 1321 Krinnikemich.
Bernice Caldwell, cook, 129 East Eighth Avenue.
Wesley Blanchard, canner, Chugak.
J. Murray, carman, 2003 Spenard.
E. P. Hand, teamster, 1602 Spessard Road, Anchorage.
Leroy Bailey's laborer, McCauley Road.
Evans C. Johnson, taxi driver, 1207 Chugach Drive.
Jim Hyde, milkman, 3707 Lois Drive, Spenard.
Adolph Johnson, carpenter, 435 C Street.
Felix Dovinsky, carpenter, 206 B Street.
Clifford Wiggins, surveyor and district engineer, Anchorage.
Sid Haney, equipment operator, Box 647, Spenard.
Wm. Sp. Gerwood, waiter, 421 Eagle, Anchorage.

Freda Eatman.
Paul Gochick, Department of Taxation, Box. 769, 6609 DeBarr, Anchorage.
John Threewit, mechanic, 135 Chris Road.
Thomas Reese, Roller Rink Apartments, Anchorage.
Freda Bryant, 736½ Third Avenue, Anchorage.
Robert Johnson, 136½ Third Avenue, Anchorage.
Tom Toman, mechanic, Anchorage.
W. Raison, bartender, Anchorage.
H. Bittnen, mechanic, Anchorage.
George Perka, operator, heavy equipment, Anchorage.
Den Porrich, wholesale manufacturer, Anchorage.
Roy Pry, blacksmith, Mount View.
Emma Rosenbolm, cook, 220½ Third Street, Anchorage.
John Graige, Glen Allen.
Kenneth Van Horn, welder, 219 Fifth Avenue, Anchorage.
George Wilburshon, mechanic, 111 11th Street, Anchorage.
Ben Lefton, longshoreman, 216 Barrow, Anchorage.
E. F. Curtis, ironworker, 611½ L Street, Anchorage.
Jack McDonnell, roofer, 129 East Eighth Avenue, Anchorage.
Virginia Kalfos, cashier, 2308 Eide, Spenard.
Martin Fanelbi, operator, 315 H Street.
John W. Basderni, contractor, 1408 Kinnikinnich Street.
Bob Rogers, operator, 916 Sixth Street.
Claude Maney, salesman, 2603 Eagle Street.
Allen Rose, bartender, Star Route, Mile 13½.
William Osteyer, carpenter, Seward, Alaska.
Gene Knight, salesman, 307 Fourth Avenue.
Vince Nissen, barber, 304 Fourth Avenue.
T. G. Sutton, bartender, 204 South Park.
W. R. Craller, oiler, 231 A Street.
B. O. Garland, customs, 208 Barron Street.
Gale King, radio technician, Aurora Hotel, Anchorage.
Jesse Moriarity.
James Courton, truckdriver, Anchorage.
Virginia Anglin, saleslady, Anchorage.
Russell Eddy, salesman, 511 Termagan Arms, Anchorage.
William Jones, Box 1001.
Venida Eubank, sales clerk, 725 East Seventh Street.
Patricia Corbett, waitress, 234½ Third Avenue.
Ja. Addington, operator of cafe, 234½ Third Avenue.
Toni Lasenlas, operator of cafe, 234½ Third Avenue.
Wm. Frederick, Jr., bar owner, 310 Fourth Avenue.
John R. Carpenter, musician, 1228 Denali Street.
John Harris, liquor store operator, 424 Fourth Avenue.
Sidney L. Cox, sale clerk, 1102 29th Street, Spenard.
Ann Wills, waitress, 407 East Fireweed Lane.
Francis Bowden, businessman, 447 Fourth Avenue, Anchorage.
S. Kalawaiski, attorney at law, 2307 Denali Boulevard.
Sigfus Sigfusson, painting-decorating shop contractor, 219 Second Avenue, Anchorage.
Alice Magnusson, adviser assistant, 326 L Street, Anchorage.
D. K. Bailey, owner, music store, 428 Fourth Avenue.
Ira Harrison, city electrical inspector, Fifth Street.
H. Langson, salesman, Hub. Clothing Co., 817 Sixth.
Mrs. Sesburg, carpenter, 409 Eagle Street.
George Byer, postman, 813 D.
Mrs. Adams, ticket agent, 414 Fourth Avenue.
Lee M. Colgan, ticket agent, 414 Fourth Avenue.
Lloyd Hughes, truckdriver, Box 1413, Anchorage.
Wm. Imlach, sales clerk, 1644 11th Avenue, Anchorage.
David Chandler, B. manager, 1360 Bluff Road, Anchorage.
Charles Booker, assistant manager, 1402 23d Street.
Wm. Lenner, post engineer, 1558 Wintergreen, Anchorage.
Esther Lenner, housewife, 1558 Wintergreen, Anchorage.
Judy Gallagher, housewife, 1579 Wintergreen, Anchorage.

Patrick Gallagher, electrician, 1579 Wintergreen, Anchorage.
Esther Penner, secretary, 1558 Wintergreen, Anchorage.
John Knudsen, truck owner, 6200 DeBarr, Anchorage.
Judy Carlson, warehouseman, 2314 North Street Drive.
Dan Lasmith, photographer, 777 Juneau Street, Anchorage.
Eutana S. Riggen, loan clerk, 1404 Elmendorf Avenue, Anchorage.
Colette Smith, loan clerk, Elmendorf Base.
Judy Berk, bank, General Delivery, Anchorage.
Evelyn N. Hall, shop owner, 321 10th, Anchorage.
Ronald J. Calovich, laborer, 226 13th Street, Anchorage.
George Bibo, laborer, 226 13th Street, Anchorage.
Alfonso J. Tonsica, laborer, 226 13th Street, Anchorage.
Howard Smith, blacksmith, 410 D Street, Anchorage.
Robert Reave, airline, 209 E Street.
E. R. Achie, collection agency, 545 Fourth, Anchorage.
U. H. McPherson, service station, 556 East Fourth, Anchorage.
Geo. Parker, welder, 616 East Fourth, Anchorage.
Blanche Smith, legislator, 610 East Fourth.
Wm. Smith, businessman, 610 East Fourth.
Thomas Wharton, salesman, 2323 Truck Lane.
George Taggart, owner, Paris House, 520 East Fourth, Anchorage.
Trulio Campo, auto mechanic, 3300 Kniki Avenue.
Carl E. Bingham, homesteader, 1405 44th Street.
Reynold Lindman, glazier, 1002 39th Street.
DeWane & Youssi, clerk, 739 15th Avenue.
W. H. Gresham, homesteader and roadhouse operator, Box 16, Sterling.
Francis M. Schwartz, machinist, care of General Delivery, Anchorage.
Martin Mesnor, G.S.B., Sterling.
Donald Eichner, electrician, Sterling.
John Cook, telephone lineman and homesteader, care of General Delivery, Sterling.
Charles Doser, bar owner, Box 26, Sterling.
K. Fields, farmer, Box 18, Sterling.
John McFarland, laborer, Box 37, Soldatna.
E. A. Palson
F. Moore, heavy equipment operator, Box 45, Soldatna.
Glen Moore, heavy equipment mechanic, Box 45, Soldatna.
Gladys Fields, Box 18, Sterling.
Gaylord Samsel, surveyor, Sterling.
A. Farmer, contractor, Sterling.
Ray McNutt, pilot, Sterling.
James Whitcomb, homesteader, Sterling.
James Chapman, homesteader, Sterling.
R. M. Crathers, homesteading, Sterling.
Basil Balstridge, homesteader, Sterling.
Mrs. Levan, homesteader, Sterling.
K. D. Levara, homesteader, Sterling.
George Diggs, homesteader, Sterling.
Henry Fiske, homesteader, Sterling.
L. B. Naff, homesteader, Soldatna.
Theresa Naff, housewife, Soldatna.
A. Diggs, homesteader, Sterling.
Philip Jordan, engineer, Whittier.
Judse Moore, dingbatter, Sterling.
Gordon Black, Sterling.
Gladys Black, housewife, Sterling.
Kenneth M. Brittell, homesteader, Soldatna.
Charles Archer, grocer, Kenai.
Charles Murphy, homesteader, Sterling.
Joseph White, laundry owner, 122 Fifth Avenue, Anchorage.
Doris White, laundry owner, 122 Fifth Avenue, Anchorage.
Milton Jones, general contractor, Anchorage.
Dwight Crane, Acpt. store clerk, Anchorage.
Betty Jo Crane, laundry presser, Anchorage.
Frances Paskowski, homemaker, Anchorage.
Frank Paskowski, Anchorage.

Vincent Plasse, construction lineman, Anchorage.
Dolores Plasse, housewife, Anchorage.
Wanda Lupo, broker, Anchorage.
Jean Cass, real estate broker.
Jay Kennedy, restaurant owner, Anchorage.
Zolda McLaughlin, office worker, Anchorage.
Robert Ney, office worker, Anchorage.
Sparon Harrington, bookkeeper, Anchorage.
Don Mealy, merchant, Anchorage.
David Tate, salesman, Anchorage.
James Murphy, service station attendant, Anchorage.
Lewis Cass, construction worker, Ninilchik.
Larry Shaley, floor layer, 1732 Apartment A, Spenard.
Leroy Allinger, service station owner, Spenard.
Fred Dingler, Apt. Fur. Tcc Ctlr, Spenard.
Tomas Jenson, electrician, Spenard.
William Davis, electrician, Rabbit Creek.
Ruth Arden, housewife, Anchorage.
Wm. Whalen, student, Spenard.
Johnny Hinton, homesteader, Anchorage.
Sam Mercer, carpenter, Anchorage.
Ted Bolton, salesman, Spenard.
Kenny Jandt, rancher, Homer.
A. B. French, wholesaler, 1414 Karhunt Street.
Maurice Fulbright, painter, Spenard.
Joseph Traxincy, carpenter, Spenard.
Mrs. Joe Donahue, housewife, Spenard.
H. Rindge, plumber, Spenard.
Henry Coleman, Anchorage building maintenance, Spenard.
Phil Reader, city machinist, O'Malley Road.
Ted Kaun, pilot, 2704 Fairbanks Street, Spenard.
W. J. Woodhead, lineman, 1541 Garden Street, Anchorage.
L. D. Bouman, lineman, 3406 Greenland, Spenard.
W. G. Turner, carpenter, Box 4217, Spenard.
Wm. A. Malloy, waiter, Box 1385, DeChoog.
R. Dahn, homesteader, Wasilla.
Chester L. Anderson, heavy equipment operator, Box 1705, Spenard.
James Langstand, heavy equipment operator, General Delivery, Wasilla.
Leonard D. Millin, heavy equipment mechanic, Box 290, Spenard.
Robert Lipton, machinist, Box 283, Spenard.
Joseph Overy, lineman, Kenai.
John Schandelmiser, farmer, Box 1950, Star Route A, Spenard.
Lee Devlin, air traffic controller, Box 1714, Spenard.
J. Bennett, steamfitter, Box 4365, Spenard.
E. L. Strasid, real estate salesman, Star Route A, Box 40020, Spenard.
Georgina Bumbarner, telephone operator, Box 3, 3032, Anchorage.
Jay Russell, self-employed, Box 4–1262, Spenard.
Walter G. M. Kem, Alaska Oil Sales and Service, Box 2280, Anchorage.
Jerome P. Busnell, electrical technician, Route B, room 395–K, Spenard.
Floyd Farvin, electrical technician, Star Route B, Spenard.
Helen Elliott, housewife, 1520 F, Anchorage.
Mike Anderegg, baker, 1809 Susitna, Anchorage.
Albert Porter, Anchorage.
A. J. Greness, salesman, Box 112, Spenard.
Robt. Hamill, salesman, Box 4508, Star Route.
Thomas Henderson, Alaska floors, 1562 Valavian, Anchorage.
Elizabeth Griffen, cafe operator, 402 Northern Lights Boulevard, Spenard.
Dorothy Robertson, waitress, 2909 West 35th, Spenard.
Tuila McElvoy, waitress, 428 Denali Street.
Charles Williams, cafe owner, 400 Fourth Avenue.
Verna Williams, cafe owner, 400 Fourth Avenue.
Greta Millen, waitress, 1101 Fireward.
Vernel Golden, carpenter, Box 2246.
Clark Hendersen, salesman, Box 79, Anchorage.
Harry Laminin, painter, Box 2176, Anchorage.
Rita Osborn, legal stenographer, 1547 H Street, Anchorage.

Mary Anderson, computer, Box 3049, Star Route, Spenard.
Ollie Schuler, mail carrier, Box 1144, Anchorage.
Frank Abadie, draftsman.
Mrs. Howard K. Teele, housewife, 1200 L Street, Anchorage.
Anna Buzzard, clerk, Box 2054.
A. W. Long, accountant, 327 L Street.
Patricia Jackson, waitress, Star Route, Box 251, Spenard.
Donald Tichin, dispatcher, Box 3368.
Dan Smith, lineman, Box 440, An 675.
Louis Odsather, insurance agency, 537 M Street, Anchorage.
M. Smith, contractor, 512 Second Street, Anchorage.
Phil Cohen, merchant, 709 H Street.
James Simpson, insurance agent, 204 East 15th, Anchorage.
George Karabelnikoff, civil engineer, 3263 Star Route B, Spenard.
Margaret B. Thomson, bookkeeper, 444 East Fourth, Anchorage.
Mary Spiess, typist, 3402 Peterkin, Mountain View.
Francis L. Quinn, secretary, 213 Cordova, Anchorage.
V. A. Cooper, carpenter, 3104 Turnapin.
Nori Mariani, hardware clerk, 3303 Iowa Drive.
Robert Richards, retail clothier, 2602 Captain Cooke Boulevard.
Eileen Nelson, insurance bookkeeper, Box 967, Anchorage.
Leone Prout, clerk, Box 639.
Betty Shaaaf, insurance clerk, 1219 I Street, Anchorage.
Helen McKern, insurance clerk, Sp. 161, Range View Trailer Court, Anchorage.
Janet LaVeigne, insurance clerk, Box 5557, Mountain View.
Lou Taynard, insurance clerk, Box 7002, Anchorage.
Eileen Dunster, insurance clerk, 325 11th, Anchorage.
Betty Jay, insurance clerk, 2408 Susitna View.
Patricia Gamble, insurance clerk, Artisan Court, Mountain View.
G. E. Reed, Anchor Book Shop, 407 Fourth Avenue.
Gene Street, architect, Mount McKinley Apartments, 908.
Win Booker, barber, 605 Turnigan Arms Apartments.
Robert Claypool, hunting and fishing, 940 Fairbanks Street, Anchorage.
Dick Hays, tailor, Seward Highway.
Joe Chick, banker, Box 511, Anchorage.
Joe Humbolt, salesman, Box 1398, Spenard.
June Nistler, 221 East Fourth, Anchorage.
C. R. Underwood, teamster, Spenard.
R. L. Martin, truckdriver, Star Route, Box 28011, Spenard.
Nancy Underwood, housewife, Anchorage.
Captain Freda, store owner, 4002 Dearfield, Anchorage.
Sergeant Johnston, store manager, 2410 Galewood Avenue.
Everett Raina, homesteader, Homestead.
Lucille Rains, secretary, Box 101, Anchorage.
Balkan, superintendent of store, Box 1548, Anchorage.
Regina Doyle, purchase clerk, Mile 14, Chugach.
William Knapp, homesteader, Box 3697, C. Br.
Jack Knapp (John), Alaska Railroad, Box 36.
Marguerite Wystrom, housewife, Box 758, Anchorage.
Martin Nystrom, homesteader.
M. Banks, warehouseman, Apartment 24–719, Spenard.
May Sanford, housewife, Box 3053, E.C.B.P.
E. E. Sanford, truckdriver, Box 3053, E.C. Br.
T. Whagen, railroad, 514 K Street.
W. A. German, homesteader and plumber, Box 3341, Anchorage Rural Route.
Robert Dunford, engineer, 1710 Illiamno.
Harry Anderson, carpenter, R.T.A., Box 1726 B, Spenard.
Richard Flanders, machineman, Star Route, Box 1395, Spenard.
Vina Patrick, housewife, Star Route A, Box 3750, Spenard.
Roy Baldwin, homesteader, Box 6100, International Airport.
Robert Green, homesteader, Box 3881, Star Route B, Spenard.
Idesta Green, housewife, Box 3881, Star Route B, Spenard.
Kenneth Anton, mechanic, Box 3837, Star Route B, Spenard.
Robert Alsop, homesteader, Box 196, Anchorage.
Rosalie Burner, housewife, Box 911.
Edna Nelson, Box 3750, Spenard.

Dan Tuttle, self-employer, Star Route B, Box 3876, Spenard.
David Prator, steamfitter, Box 444, Star Route A, Spenard.
Mrs. Prator, housewife, Box 444, Star Route A, Spenard.
Helen J. Sufker, waitress, Box 1555, Star Route A, Spenard.
Leonard Everson, communications, Box 1719, Star Route M, Spenard.
Marjorie B. Colten, housewife, Box 431, Anchorage.
Ralph Cottis, lawyer, Box 431, Anchorage.
Norman Boling, boiler fireman, Box 4–421, Spenard.
Kathering Boling, housewife, Box 4–421, Spenard.
Alice Knapp, general office employee, Box 1487, Anchorage.
Chas. Anderson, mechanic, Box 4–110, Spenard.
Mr. Strong, electric, Box 4198, Spenard.
Robert Delf, grader operator, Box 3352, Anchorage.
Chet Shorwalte, teamster, Box 778, Star Route A, Spenard.
G. E. Alford, Alaska Railroad, Box 7–2111, Anchorage.
R. D. Riggs, carpet layer, Route A, Box 375, Spenard.
Leverett Miller, F.A.A. worker, Star Route B, 2825M Spenard.
Stanley Boniface, housewife, Box 3398, Star Route B, Spenard.
Emma Jensen, manager ice cream parlor, Box 3827, Star Route B, Spenard.
Paul Mitchell, homesteader, Box 474, Chugach.
Paul McIntyre, airline, Box 1653, Anchorage.
John Cola, tax assessor, 1700 Talketna.
Glenn McKee, tax assessor, 826 K Street, Anchorage.
Elaine Saxton, real estate, 445 East Second Avenue.
Stern Powell, owner of bar, 817 Sixth Avenue.
Mary Powell, owner of bar, 817 Sixth Avenue.
Robert R. Ester, store owner, Box 18, Kenai.
Betty J. Dollit, housewife, Box 161, Kenai.
Lois McGahan, housewife, Box 504, Kenai.
Mrs. Mel Keppee, housewife, Box 168, Kenai.
T. F. Manion, homesteader, Box 423, Kenai.
Joe Bayes, laborer, Box 185, Kenai.
Jerry Hibart, laborer, Box 421, Kenai.
Warren Engler, carpenter, Box 188, Soldatna.
Irving Molander, fisherman, Box 88, Kenai.
Geo. Jackson, Post Office Box 57, fisherman, Kasilof, Alaska.
Aaron Ball, piledriver, Kenai, Alaska.
Duke Deering, businessman, Kenai.
Betty Anne Ames, housewife, Kenai.
Carl H. Swanson, airline station manager, Kenai.
Marion E. Peterken, housewife, Box 251, Kenai.
Malcolm G. Cole, pile driver, Box 97, Kenai.
C.S. Randall, businesswoman, Box 55, Kenai.
Marion E. Smith, contractor, Box 268, Kenai.
Marion A. Oberts, housewife, Box 207, Kenai.
Lucien A. Caro, welding shop owner, Box 145, Kenai.
Virginia L. Caro, housewife, Box 145, Kenai.
Virginia Poore, Box 124, Kenai.
Merrill Combs, housewife, Cohoe, Alaska.
Kenneth McGahan, operator, North Kenai.
Hubert M. Johnson, retired, North Kenai.
Bertha Porter, housewife, North Kenai.
Nick Mamaloff, laborer, North Kenai.

ALASKA STATE LEGISLATURE MEMORIAL

STATE OF ALASKA,
SECRETARY OF STATE,
Juneau, May 1, 1959.

Hon. ERNEST GRUENING,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR GRUENING: At the request of the Alaska State Legislature, I have the honor to transmit to you a certified copy of Senate Joint Memorial No. 25, respectfully urging that proper legislation be passed by the 86th Congress

protecting the rights of homesteaders in the State of Alaska to the minerals on and in those homestead lands on which entries were valid and subsisting on the date such lands were declared prospectively valuable for oil and gas by the Federal Government.

Sincerely yours,

HUGH J. WADE,
Secretary of State.

[In the Senate; by Senator Ryan]

SENATE JOINT MEMORIAL NO. 25

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIRST LEGISLATURE, FIRST SESSION

To the Honorable Dwight D. Eisenhower, President of the United States; the Honorable Richard Nixon, President of the U.S. Senate; the Honorable Sam Rayburn, Speaker of the House of Representatives; the Honorable E. L. Bartlett and the Honorable Ernest Gruening, Senators from Alaska; the Honorable Ralph J. Rivers, Representative from Alaska; the Honorable Fred A. Seaton, Secretary of the Interior:

Whereas the agricultural areas of the Kenai Peninsula and the Matanuska and Susitna Valleys have been actively homesteaded for several years; and

Whereas in recent years oil- and gas-leasing activities have created a tremendous workload on the operations offices of the Bureau of Land Management; and

Whereas considerable delay in the issuance of homestead patents has resulted from this oil and gas activity; and

Whereas many homesteaders on the Kenai Peninsula have in good faith prosecuted their entry toward final acceptable proof for patent; and

Whereas many of these homesteaders are being asked to waive their mineral rights in issuance of patents on lands not classified as prospectively valuable for oil or gas on the date of entry or final proof:

Now therefore, your memorialist respectfully urges that proper legislation be passed by the 86th Congress protecting the rights of homesteaders in the State of Alaska to the minerals on and in those homestead lands on which entries were valid and subsisting on the date such lands were declared prospectively valuable for oil and gas by the Federal Government.

Passed by the Senate March 31, 1959.

WILLIAM E. BELTZ,
President of the Senate.

Attest:

KATHERINE T. ALEXANDER,
Secretary of the Senate.

Passed by the House April 6, 1959.

WARREN A. TAYLOR,
Speaker of the House.

Attest:

ESTHER REED,
Chief Clerk of the House.

I hereby certify that the above and foregoing constitutes a full, true, and correct copy of Senate Joint Memorial No. 25 as passed by the Senate and House of Representatives of the State of Alaska.

KATHERINE T. ALEXANDER,
Secretary of the Senate.

ALASKA STATEHOOD ACT

Public Law 85-508
85th Congress, H. R. 7999
July 7, 1958

AN ACT To provide for the admission of the State of Alaska into the Union.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of this Act, and upon issuance of the proclamation required by section 8(c) of this

Act, the State of Alaska is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the Act of the Territorial Legislature of Alaska entitled, "An Act to provide for the holding of a constitutional convention to prepare a constitution for the State of Alaska; to submit the constitution to the people for adoption or rejection; to prepare for the admission of Alaska as a State; to make an appropriation; and setting an effective date", approved March 19, 1955 (Chapter 46, Session Laws of Alaska, 1955), and adopted by a vote of the people of Alaska in the election held on April 24, 1956, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.

SEC. 2. The State of Alaska shall consist of all the territory, together with the territorial waters appurtenant thereto, now included in the Territory of Alaska.

SEC. 3. The constitution of the State of Alaska shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

SEC. 4. As a compact with the United States said State and its people do agree and declare that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act, the right or title to which is held by the United States or is subject to disposition by the United States, and to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives; that all such lands or other property, belonging to the United States or which may belong to said natives, shall be and remain under the absolute jurisdiction and control of the United States until disposed of under its authority, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation: *Provided*, That nothing contained in this Act shall recognize, deny, enlarge, impair, or otherwise affect any claim against the United States, and any such claim shall be governed by the laws of the United States applicable thereto; and nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that any law applicable thereto authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability or effect of any law to any such claim shall be unaffected by anything in this Act: *And provided further*, That no taxes shall be imposed by said State upon any lands or other property now owned or hereafter acquired by the United States or which, as hereinabove set forth, may belong to said natives, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation.

SEC. 5. The State of Alaska and its political subdivisions, respectively, shall have and retain title to all property, real and personal, title to which is in the Territory of Alaska or any of the subdivisions. Except as provided in section 6 hereof, the United States shall retain title to all property, real and personal, to which it has title, including public lands.

SEC. 6. (a) For the purposes of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select, within twenty-five years after the date of the admission of the State of Alsaka into the Union, from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed four hundred thousand acres of land, and from the other public lands of the United States in Alaska, which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another four hundred thousand acres of land, all of which shall be adjacent to established communities or suitable for prospective community centers and recreational areas. Such lands shall be selected by the State of Alaska with the approval of the Secretary of Agriculture as to national forest lands and with the approval of the Secretary of the Interior as to other public lands: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, rights-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied.

(b) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within twenty-five years after the admission of Alaska into the Union, not to exceed one hundred and two million five hundred and fifty thousand acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, rights-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the lands so occupied: *And provided further*, That no selection hereunder shall be made in the area north and west of the line described in section 10 without approval of the President or his designated representative.

(c) Block 32, and the structures and improvements thereon, in the city of Juneau are granted to the State of Alaska for any or all of the following purposes or a combination thereof: A residence for the Governor, a State museum, or park and recreational use.

(d) Block 19, and the structures and improvements thereon, and the interests of the United States in blocks C and 7, and the structures and improvements thereon, in the city of Juneau, are hereby granted to the State of Alaska.

(e) All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U.S.C., sec. 192–211), as amended, and under the provisions of the Alaska commercial fisheries law of June 26, 1906 (34 Stat. 478; 48 U.S.C., secs. 230–239 and 241–242), and June 6, 1924 (43 Stat. 465; 48 U.S.C., secs. 221–228), as supplemented and amended, shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: *Provided*, That the administration and management of the fish and wildlife resources of Alaska shall be retained by the Federal Government under existing laws until the first day of the first calendar year following the expiration of ninety legislative days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources in the broad national interest: *Provided*, That such transfer shall not include lands withdrawn or otherwise set apart as refuges or reservations for the protection of wildlife nor facilities utilized in connection therewith, or in connection with general research activities relating to fisheries or wildlife. Sums of money that are available for apportionment or which the Secretary of the Interior shall have apportioned, as of the date the State of Alaska shall be deemed to be admitted into the Union, for wildlife restoration in the Territory of Alaska, pursuant to section 8(a) of the Act of September 2, 1937, as amended (16 U.S.C., sec. 669g–1), and for fish restoration and management in the Territory of Alaska, pursuant to section 12 of the Act of August 9, 1950 (16 U.S.C., sec. 777k), shall continue to be available for the period, and under the terms and conditions in effect at the time, the apportionments are made. Commencing with the year during which Alaska is admitted into the Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 70 per centum of the net proceeds, as determined by the Secretary of the Interior, derived during such fiscal year from all sales of sealskins or sea-otter skins made in accordance with the provisions of the Act of February 26, 1944 (58 Stat. 100; 16 U.S.C., secs. 631a–631q), as supplemented and amended. In arriving at the net proceeds, there shall be deducted from the receipts from all sales all costs to the United States in carrying out the provisions of the Act of February 26, 1944, as supplemented and amended, including, but not limited to, the costs of handling and dressing the skins, the costs of making the sales, and all expenses incurred in the administration of the Pribilof Islands. Nothing in this Act shall be construed as affecting the rights of the United States under the provisions of the Act of February 26, 1944, as supplemented and amended, and the Act of June 28, 1937 (50 Stat. 325), as amended (16 U.S.C., sec. 772 et seq.).

(f) Five per centum of the proceeds of sale of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to such sales, shall be paid to said State to be used for the support of the public schools within said State.

(g) Except as provided in subsection (a), all lands granted in quantity to and authorized to be selected by the State of Alaska by this Act shall be selected

in such manner as the laws of the State may provide, and in conformity with such regulations as the Secretary of the Interior may prescribe. All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved, and each tract selected shall contain at least five thousand seven hundred and sixty acres unless isolated from other tracts open to selection. The authority to make selections shall never be alienated or bargained away, in whole or in part, by the State. Upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than ninety days before the date on which it otherwise becomes effective, if subsequent to the admission of Alaska into the Union, during which period the State of Alaska shall have a preferred right of selection, subject to the requirements of this Act, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation. Such preferred right of selection shall have precedence over the preferred right of application created by section 4 of the Act of September 27, 1944 (58 Stat. 748; 43 U.S.C., sec. 282), as now or hereafter amended, but not over other preference rights now conferred by law. Where any lands desired by the State are unsurveyed at the time of their selection, the Secretary of the Interior shall survey the exterior boundaries of the area requested without any interior subdivision thereof and shall issue a patent for such selected area in terms of the exterior boundary survey; where any lands desired by the State are surveyed at the time of their selection, the boundaries of the area requested shall conform to the public land subdivisions established by the approval of the survey. All lands duly selected by the State of Alaska pursuant to this Act shall be patented to the State by the Secretary of the Interior. Following the selecion of lands by the State and the tentative approval of such selection by the Secretary of the Inerior or his designee, but prior to the issuance of final patent, the State is hereby authorized to execute conditional leases and to make conditional sales of such selected lands. As used in this subsection, the words "equitable claims subject to allowance and confirmation" include, without limitation, claims of holders of permits issued by the Department of Agriculture on lands eliminated from national forests, whose permits have been terminated only because of such elimination and who own valuable improvements on such lands.

(h) Any lease, permit, license, or contract issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C., sec. 181 and following), as amended, or under the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741; 30 U.S.C., sec. 432 and following), as amended, shall have the effect of withdrawing the lands subject thereto from selection by the State of Alaska under this Act, unless such lease, permit, license, or contract is in effect on the date of approval of this Act, and unless an application to select such lands is filed with the Secretary of the Interior within a period of five years after the date of the admission of Alaska into the Union. Such selections shall be made only from lands that are otherwise open to selection under this Act, and shall include the entire area that is subject to each lease, permit, license, or contract involved in the selections. Any patent for lands so selected shall vest in the State of Alaska all right, title, and interest of the United States in and to any such lease, permit, license, or contract that remains outstanding on the effective date of the patent, including the right to all rentals, royalties, and other payments accruing after that date under such lease, permit, license, or contract, and including any authority that may have been retained by the United States to modify the terms and conditions of such lease, permit, license, or contract: *Provided*, That nothing herein contained shall affect the continued validity of any such lease, permit, license, or contract or any rights arising thereunder.

(i) All grants made or confirmed under this Act shall include mineral deposits. The grants of mineral lands to the State of Alaska under subsections (a) and (b) of this section are made upon the express condition that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all of the minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. Mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct: *Provided*, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States District Court for the District of Alaska.

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(j) The schools and colleges provided for in this Act shall forever remain under the exclusive control of the State, or its governmental subdivisions, and no part of the proceeds arising from the sale or disposal of any lands granted herein for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

(k) Grants previously made to the Territory of Alaska are hereby confirmed and transferred to the State of Alaska upon its admission. Effective upon the admission of the State of Alaska into the Union, section 1 of the Act of March 4, 1915 (38 Stat. 1214; 48 U.S.C., sec. 353), as amended, and the last sentence of section 35 of the Act of February 25, 1920 (41 Stat. 450; 30 U.S.C., sec. 191), as amended, are repealed and all lands therein reserved under the provisions of section 1 as of the date of this Act shall, upon the admission of said State into the Union, be granted to said State for the purposes for which they were reserved; but such repeal shall not affect any outstanding lease, permit, license, or contract issued under said section 1, as amended, or any rights or powers with respect to such lease, permit, license, or contract, and shall not affect the disposition of the proceeds or income derived prior to such repeal from any lands reserved under said section 1, as amended, or derived thereafter from any disposition of the reserved lands or an interest therein made prior to such repeal.

(l) The grants provided for in this Act shall be in lieu of the grant of land for purposes of internal improvements made to new States by section 8 of the Act of September 4, 1841 (5 Stat. 455), and sections 2378 and 2379 of the Revised Statutes (43 U.S.C., sec. 857), and in lieu of the swampland grant made by the Act of September 28, 1850 (9 Stat. 520), and section 2479 of the Revised Statutes (43 U.S.C., sec. 982), and in lieu of the grant of thirty thousand acres for each Senator and Representative in Congress made by the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C., secs. 301–308), which grants are hereby declared not to extend to the State of Alaska.

(m) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the State of Alaska and the said State shall have the same rights as do existing States thereunder.

SEC. 7. Upon enactment of this Act, it shall be the duty of the President of the United States, not later than July 3, 1958, to certify such fact to the Governor of Alaska. Thereupon the Governor, on or after July 3, 1958, and not later than August 1, 1958, shall issue his proclamations for the elections, as hereinafter provided, for officers of all elective offices and in the manner provided for by the constitution of the proposed State of Alaska, but the officers so elected shall in any event include two Senators and one Representative in Congress.

SEC. 8. (a) The proclamation of the Governor of Alaska required by section 7 shall provide for holding of a primary election and a general election on dates to be fixed by the Governor of Alaska: *Provided*, That the general election shall not be held later than December 1, 1958, and at such elections the officers required to be elected as provided in section 7 shall be, and officers for other elective offices provided for in the constitution of the proposed State of Alaska may be, chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by the constitution of the proposed State of Alaska for the election of members of the proposed State legislature. The returns thereof shall be made and certified in such manner as the constitution of the proposed State of Alaska may prescribe. The Governor of Alaska shall certify the results of said elections to the President of the United States.

(b) At an election designated by proclamation of the Governor of Alaska, which may be the general election held pursuant to subsection (a) of this section, or a Territorial general election, or a special election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, by separate ballot on each, the following propositions:

"(1) Shall Alaska immediately be admitted into the Union as a State?

"(2) The boundaries of the State of Alaska shall be as prescribed in the Act of Congress approved _____ and all claims of this State
(date of approval of this Act)
to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

"(3) All provisions of the Act of Congress approved _____
(date of approval of this Act)
reserving rights or powers to the United States, as well as those prescribing the

terms or conditions of the grants of lands or other property therein made to the State of Alaska, are consented to fully by said State and its people."

In the event each of the foregoing propositions is adopted at said election by a majority of the legal votes cast on said submission, the proposed constitution of the proposed State of Alaska, ratified by the people at the election held on April 24, 1956, shall be deemed amended accordingly. In the event any one of the foregoing propositions is not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall thereupon cease to be effective.

The Governor of Alaska is hereby authorized and directed to take such action as may be necessary or appropriate to insure the submission of said propositions to the people. The return of the votes cast on said propositions shall be made by the election officers directly to the Secretary of Alaska, who shall certify the results of the submission to the Governor. The Governor shall certify the results of said submission, as so ascertained, to the President of the United States.

(c) If the President shall find that the propositions set forth in the preceding subsection have been duly adopted by the people of Alaska, the President, upon certification of the returns of the election of the officers required to be elected as provided in section 7 of this Act, shall thereupon issue his proclamation announcing the results of said election as so ascertained. Upon the issuance of said proclamation by the President, the State of Alaska shall be deemed admitted into the Union as provided in section 1 of this Act.

Until the said State is so admitted into the Union, all of the officers of said Territory, including the Delegate in Congress from said Territory, shall continue to discharge the duties of their respective offices. Upon the issuance of said proclamation by the President of the United States and the admission of the State of Alaska into the Union, the officers elected at said election, and qualified under the provisions of the constitution and laws of said State, shall proceed to exercise all the functions pertaining to their offices in or under or by authority of the government of said State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by the constitution and laws of said State. The Governor of said State shall certify the election of the Senators and Representative in the manner required by law, and the said Senators and Representative shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

(d) Upon admission of the State of Alaska into the Union as herein provided, all of the Territorial laws then in force in the Territory of Alaska shall be and continue in full force and effect throughout said State except as modified or changed by this Act, or by the constitution of the State, or as thereafter modified or changed by the legislature of the State. All of the laws of the United States shall have the same force and effect within said State as elsewhere within the United States. As used in this paragraph, the term "Territorial laws" includes (in addition to laws enacted by the Territorial Legislature of Alaska) all laws or parts thereof enacted by the Congress the validity of which is dependent solely upon the authority of the Congress to provide for the government of Alaska prior to the admission of the State of Alaska into the Union, and the term "laws of the United States" includes all laws or parts thereof enacted by the Congress that (1) apply to or within Alaska at the time of the admission of the State of Alaska into the Union, (2) are not "Territorial laws" as defined in this paragraph, and (3) are not in conflict with any other provisions of this Act.

SEC. 9. The State of Alaska upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law: *Provided*, That such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C., sec. 2a), for the Eighty-third Congress and each Congress thereafter.

SEC. 10. (a) The President of the United States is hereby authorized to establish, by Executive order or proclamation, one or more special national defense withdrawals within the exterior boundaries of Alaska, which withdrawal or withdrawals may thereafter be terminated in whole or in part by the President.

(b) Special national defense withdrawals established under subsection (a) of this section shall be confined to those portions of Alaska that are situated to the north or west of the following: Beginning at the point where the Porcupine River crosses the international boundary between Alaska and Canada; thence along a line parallel to, and five miles from, the right bank of the main channel of the Porcupine River to its confluence with the Yukon River; thence along a line parallel to, and five miles from, the right bank of the main channel of the Yukon River to its most southerly point of intersection with the meridian of longitude 160 degrees west of Greenwich; thence south to the intersection of said meridian with the Kuskokwin River; thence along a line parallel to, and five miles from the right bank of the Kuskokwin River to the mouth of said river; thence along the shoreline of Kuskokwin Bay to its intersection with the meridian of longitude 162 degrees 30 minutes west of Greenwich; then south to the intersection of said meridian with the parallel of latitude 57 degrees 30 minutes north; thence east to the intersection of said parallel with the meridian of longitude 156 degrees west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 50 degrees north.

(c) Effective upon the issuance of such Executive order or proclamation, exclusive jurisdiction over all special national defense withdrawals established under this section is hereby reserved to the United States, which shall have sole legislative, judicial, and executive power within such withdrawals, except as provided hereinafter. The exclusive jurisdiction so established shall extend to all lands within the exterior boundaries of each such withdrawal, and shall remain in effect with respect to any particular tract or parcel of land only so long as such tract or parcel remains within the exterior boundaries of such a withdrawal. The laws of the State of Alaska shall not apply to areas within any special national defense withdrawal established under this section while such areas remain subject to the exclusive jurisdiction hereby authorized: *Provided, however*, That such exclusive jurisdiction shall not prevent the execution of any process, civil or criminal, of the State of Alaska, upon any person found within said withdrawals: *And provided further*, That such exclusive jurisdiction shall not prohibit the State of Alaska from enacting and enforcing all laws necessary to establish voting districts, and the qualification and procedures for voting in all elections.

(d) During the continuance in effect of any special national defense withdrawal established under this section, or until the Congress otherwise provides, such exclusive jurisdiction shall be exercised within each such withdrawal in accordance with the following provisions of law:

(1) All laws enacted by the Congress that are of general application to areas under the exclusive jurisdiction of the United States, including, but without limiting the generality of the foregoing, those provisions of title 18, United States Code, that are applicable within the special maritime and territorial jurisdiction of the United States as defined in section 7 of said title, shall apply to all areas within such withdrawals.

(2) In addition, any areas within the withdrawals that are reserved by Act of Congress or by Executive action for a particular military or civilian use of the United States shall be subject to all laws enacted by the Congress that have application to lands withdrawn for that particular use, and any other areas within the withdrawals shall be subject to all laws enacted by the Congress that are of general application to lands withdrawn for defense purposes of the United States.

(3) To the extent consistent with the laws described in paragraphs (1) and (2) of this subsection and with regulations made or other actions taken under their authority, all laws in force within such withdrawals immediately prior to the creation thereof by Executive order or proclamation shall apply within the withdrawals and, for this purpose, are adopted as laws of the United States: *Provided, however*, That the laws of the State or Territory relating to the organization or powers of municipalities or local political subdivisions, and the laws or ordinances of such municipalities or political subdivisons shall not be adopted as laws of the United States.

(4) All functions vested in the United States commissioners by the laws described in this subsection shall continue to be performed within the withdrawals by such commissioners.

(5) All functions vested in any municipal corporation, school district, or other local political subdivision by the laws described in this subsection shall continue

to be performed within the withdrawals by such corporation, district, or other subdivision, and the laws of the State or the laws or ordinances of such municipalities or local political subdivision shall remain in full force and effect notwithstanding any withdrawal made under this section.

(6) All other functions vested in the government of Alaska or in any officer or agency thereof, except judicial functions over which the United States District Court for the District of Alaska is given jurisdiction by this Act or other provisions of law, shall be performed within the withdrawals by such civilian individuals or civilian agencies and in such manner as the President shall from time to time, by Executive order, direct or authorize.

(7) The United States District Court for the District of Alaska shall have original jurisdiction, without regard to the sum or value of any matter in controversy, over all civil actions arising within such withdrawals under the laws made applicable thereto by this subsection, as well as over all offenses committed within the withdrawals.

(e) Nothing contained in subsection (d) of this section shall be construed as limiting the exclusive jurisdiction established in the United States by subsection (c) of this section or the authority of the Congress to implement such exclusive jurisdiction by appropriate legislation, or as denying to persons now or hereafter residing within any portion of the areas described in subsection (b) of this section the right to vote at all elections held within the political subdivisons as prescrbed by the State of Alaska where they respectively reside, or as limiting the jurisdiction conferred on the United States District Court for the District of Alaska by any other provision of law, or as continuing in effect laws relating to the Legislature of the Territory of Alaska. Nothing contained in this section shall be construed as limiting any authority otherwise vested in the Congress or the President.

SEC. 11. (a) Nothing in this Act shall affect the establishment, or the right, ownership, and authority of the United States in Mount McKinley National Park, as now or hereafter constituted; but exclusive jurisdiction, in all cases, shall be exercised by the United States for the national park, as now or hereafter constituted; saving, however, to the State of Alaska the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State, but outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park; and saving also to the persons residing now or hereafter in such area the right to vote at all elections held within the respective political subdivisions of their residence in which the park is situated.

(b) Notwithstanding the admission of the State of Alaska into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are owned by the United States and held for military, naval, Air Force, or Coast Guard purposes, including naval petroleum reserve numbered 4, whether such lands were acquired by cession and transfer to the United States by Russia and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Alaska for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: *Provided*, (i) That the State of Alaska shall always have the right to serve civil or criminal process within the said tracts or parcels of land, in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Alaska, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall rest and remain in the United States only so long as the particular tract or parcel of land involved is owned by the United States and used for military, naval, Air Force, or Coast Guard purposes. The provisions of this sub-

section shall not apply to lands within such special national defense withdrawal or withdrawals as may be established pursuant to section 10 of this Act until such lands cease to be subject to the exclusive juridsdiction reserved to the United States by that section.

SEC. 12. Effective upon the admission of Alaska into the Union—

(a) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 81 of such title, is amended by inserting immediately after and underneath item 81 of such analysis, a new item to be designated as item 81A and to read as follows:

"81A. Alaska";

(b) Title 28, United States Code, is amended by inserting immediately after section 81 thereof a new section, to be designated as section 81A, and to read as follows:

"§ 81A. Alaska

"Alaska constitutes one judicial district.

"Court shall be held at Anchorage, Fairbanks, Juneau, and Nome.";

(c) Section 133 of title 28, United States Code, is amended by inserting in the table of districts and judges in such section immediately above the item: "Arizona * * * 2", a new item as follows: "Alaska * * * 1";

(d) The first paragraph of section 373 of title 28, United States Code, as heretofore amended, is further amended by striking out the words: "the District Court for the Territory of Alaska,": *Provided*, That the amendment made by this subsection shall not affect the rights of any judge who may have retired before it takes effect;

(e) The words "the District Court for the Territory of Alaska," are striken out wherever they appear in sections 333, 460, 610, 753, 1252, 1291, 1292, and 1346 of title 28, United States Code;

(f) The first paragraph of section 1252 of title 28, United States Code, is further amended by striking out the word "Alaska," from the clause relating to courts of record;

(g) Subsection (2) of section 1294 of title 28, United States Code, is repealed and the later subsections of such section are renumbered accordingly;

(h) Subsection (a) of section 2410 of title 28, United States Code, is amended by striking out the words: "including the District Court for the Territory of Alaska,";

(i) Section 3241 of title 18, United States Code, is amended by striking out the words: "District Court for the Territory of Alaska, the";

(j) Subsection (e) of section 3401 of title 18, United States Code, is amended by striking out the words: "for Alaska or";

(k) Section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: "The Territory of Alaska,";

(l) Section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: "the Territory of Alaska,";

(m) Section 2072 of title 28, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: "and of the District Court for the Territory of Alaska";

(n) Subsection (q) of section 376 of title 28, United States Code, is amended by striking out the words: "the District Court for the Territory of Alaska,": *Provided*, That the amendment made by this subsection shall not affect the rights under such section 376 of any present or former judge of the District Court for the Territory of Alaska or his survivors;

(o) The last paragraph of section 1963 of title 28, United States Code, is repealed;

(p) Section 2201 of title 28, United States Code, is amended by striking out the words: "and the District Court for the Territory of Alaska"; and

(q) Section 4 of the Act of July 28, 1950 (64 Stat. 380; 5 U.S.C., sec. 341b) is amended by striking out the word: "Alaska,".

SEC. 13. No writ, action, indictment, cause, or proceeding pending in the District Court for the Territory of Alaska on the date when said Territory shall become a State, and no case pending in an appellate court upon appeal from the District Court for the Territory of Alaska at the time said Territory shall become a State, shall abate by the admission of the State of Alaska into the Union, but the same shall be transferred and proceeded with as hereinafter provided.

All civil causes of action and all criminal offenses which shall have arisen or been committeed prior to the admission of said State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Alaska in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said courts had been established prior to the accrual of said causes of action or the commission of such offenses; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Alaska.

SEC. 14. All appeals taken from the District Court for the Territory of Alaska to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit, previous to the admission of Alaska as a State, shall be prosecuted to final determination as though this Act had not been passed. All cases in which final judgment has been rendered in such district court, and in which appeals might be had except for the admission of such State, may still be sued out, taken, and prosecuted to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit under the provisions of then existing law, and there held and determined in like manner; and in either case, the Supreme Court of the United States, or the United States Court of Appeals, in the event of reversal, shall remand the said cause to either the State supreme court or other final appellate court of said State, or the United States district court for said district, as the case may require: *Provided*, That the time allowed by exitsing law for appeals from the district court for said Territory shall not be enlarged thereby.

SEC. 15. All causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State which are of such nature as to be within the jurisdiction of a district court of the United States shall be transferred to the United States District Court for the Disrict of Alaska for final disposition and enforcement in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts. All other causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State shall be transferred to the appropriate State court of Alaska. All final judgments and decrees rendered upon such transferred cases in the United States District Court for the District of Alaska may be reviewed by the Supreme Court of the United States or by the United States Court of Appeals for the Ninth Circuit in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts.

SEC. 16. Jurisdiction of all cases pending or determined in the District Court for the Territory of Alaska not transferred to the United Sates District Court for the District of Alaska shall devolve upon and be exercised by the courts of original jurisdiction created by said State, which shall be deemed to be the successor of the District Court for the Territory of Alaska with respect to cases not so transferred and, as such, shall take and retain custody of all records, dockets, journals, and files of such court pertaining to such cases. The files and papers in all cases so transferred to the United States district court, together with a transcript of all book entries to complete the record in such particular cases so transferred, shall be in like manner transferred to said district court.

SEC. 17. All cases pending in the District Court for the Territory of Alaska at the time said Territory becomes a State not transferred to the United States District Court for the District of Alaska shall be proceeded with and determined by the courts created by said State with the right to prosecute appeals to the appellate courts created by said State, and also with the same right to prosecute appeals or writs of certiorari from the final determination in said causes made by the court of last resort created by such State to the Supreme Court of the United States, as now provided by law for appeals and writs of certiorari from the court of last resort of a State to the Supreme Court of the United States.

SEC. 18. The provisions of the preceding sections with respect to the termination of the jurisdiction of the District Court for the Territory of Alaska, the continuation of suits, the succession of courts, and the satisfaction of rights of litigants in suits before such courts, shall not be effective until three years after the effective date of this Act, unless the President, by Executive order, shall sooner proclaim that the United States District Court for the District of Alaska, established in accordance with the provisions of this Act, is prepared to assume

the functions imposed upon it. During such period of three years or until such Executive order is issued, the United States District Court for the Territory of Alaska shall continue to function as heretofore. The tenure of the judges, the United States attorneys, marshals, and other officers of the United States District Court for the Territory of Alaska shall terminate at such time as that court shall cease to function as provided in this section.

SEC. 19. The first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "When the State of Alaska is hereafter admitted to the Union the Federal Reserve districts shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State. Every national bank in any State shall, upon commencing business or within ninety days after admission into the Union of the State in which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section."

SEC. 20. Section 2 of the Act of October 20, 1914 (38 Stat. 742; 48 U.S.C., sec. 433), is hereby repealed.

SEC. 21. Nothing contained in this Act shall operate to confer United States nationality, nor to terminate nationality heretofore lawfully acquired, nor restore nationality heretofore lost under any law of the United States or under any treaty to which the United States may have been a party.

SEC. 22. Section 101 (a) (36) of the Immigration and Nationality Act (66 Stat. 170, 8 U.S.C., sec. 1101 (a) (36)) is amended by deleting the word "Alaska,".

SEC. 23. The first sentence of section 212 (d) (7) of the Immigration and Nationality Act (66 Stat. 188, 8 U.S.C., sec. 1182 (d) (7)) is amended by deleting the word "Alaska,".

SEC. 24. Nothing contained in this Act shall be held to repeal, amend, or modify the provisions of section 304 of the Immigration and Nationality Act (66 Stat. 237, 8 U.S.C., sec. 1404).

SEC. 25. The first sentence of section 310 (a) of the Immigration and Nationality Act (66 Stat. 239, 8 U.S.C., sec. 1421 (a)) is amended by deleting the words "District Courts of the United States for he Territories of Hawaii and Alaska" and substituting therefor the words "District Court of the United States for the Territory of Hawaii".

SEC. 26. Section 344 (d) of the Immigration and Nationality Act (66 Stat. 265, 8 U.S.C., sec. 1455 (d)) is amended by deleting the words "in Alaska and".

SEC. 27. (a) The third proviso in section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C., sec. 883), is further amended by striking out the word "excluding" and inserting in lieu thereof the word "including".

(b) Nothing contained in this or any other Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Alaska and other ports in the United States, its Territories or possessions, or as conferring upon the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

SEC. 28. (a) The last sentence of section 9 of the Act entitled "An Act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes", approved October 20, 1914 (48 U.S.C. 439), is hereby amended to read as follows: "All net profits from operation of Government mines, and all bonuses, royalties, and rentals under leases as herein provided and all other payments received under this Act shall be distributed as follows as soon as practicable after December 31 and June 30 of each year: (1) 90 per centum thereof shall be paid by the Secretary of the Treasury to the State of Alaska for disposition by the legislature thereof; and (2) 10 per centum shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts."

(b) Section 35 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920, as amended (30 U.S.C. 191), is hereby amended by inserting immediately before the colon preceding the first proviso thereof the following: ", and of those from Alaska 52½ per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof".

SEC. 29. If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances shall not be affected thereby.

SEC. 30. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress, are hereby repealed.

Approved July 7, 1958.

THE CONSTITUTION OF THE STATE OF ALASKA

ARTICLE I. DECLARATION OF RIGHTS

SECTION 1. This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

SECTION 2. All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole.

SECTION 3. No person is to be denied the enjoyment of any civil or political right because of race, color, creed, or national origin. The legislature shall implement this section.

SECTION 4. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.

SECTION 5. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

SECTION 6. The right of the people peaceably to assemble, and to petition the government shall never be abridged.

SECTION 7. No person shall be deprived of life, liberty, or property, without due process of law. The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be infringed.

SECTION 8. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the armed forces in time of war or public danger. Indictment may be waived by the accused. In that case the prosecution shall be by information. The grand jury shall consist of at least twelve citizens, a majority of whom concurring may return an indictment. The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended.

SECTION 9. No person shall be put in jeopardy twice for the same offense. No person shall be compelled in any criminal proceeding to be a witness against himself.

SECTION 10. Treason against the State consists only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SECTION 11. In all criminal prosecutions, the accused shall have the right to a speedy and public trial, by an impartial jury of twelve, except that the legislature may provide for a jury of not more than twelve nor less than six in courts not of record. The accused is entitled to be informed of the nature and cause of the accusation; to be released on bail, except for capital offenses when the proof is evident or the presumption great; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

SECTION 12. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Penal administration shall be based on the principle of reformation and upon the need for protecting the public.

SECTION 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or actual or imminent invasion, the public safety requires it.

SECTION 14. The right of the people to be secure in their persons, houses and other property, papers, and effects, against unreasonable searches and seizures,

shall not be violated. No warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

SECTION 15. No bill of attainder or ex post facto law shall be passed. No law impairing the obligation of contracts, and no law making any irrevocable grant of special privileges or immunities shall be passed. No conviction shall work corruption of blood or forfeiture of estate.

SECTION 16. In civil cases where the amount in controversy exceeds two hundred fifty dollars, the right of trial by a jury of twelve is preserved to the same extent as it existed at common law. The legislature may make provision for a verdict by not less than three-fourths of the jury and, in courts not of record, may provide for a jury of not less than six or more than twelve.

SECTION 17. There shall be no imprisonment for debt. This section does not prohibit civil arrest of absconding debtors.

SECTION 18. Private property shall not be taken or damaged for public use without just compensation.

SECTION 19. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

SECTION 20. No member of the armed forces shall in time of peace be quartered without the consent of the owner or occupant, or in time of war except as prescribed by law. The military shall be in strict subordination to the civil power.

SECTION 21. The enumeration of rights in this constitution shall not impair or deny others retained by the people.

ARTICLE II. THE LEGISLATURE

SECTION 1. The legislative power of the State is vested in a legislature consisting of a senate with a membership of twenty and a house of representatives with a membership of forty.

SECTION 2. A member of the legislature shall be a qualified voter who has been a resident of Alaska for at least three years and of the district from which elected for at least one year, immediately preceding his filing for office. A senator shall be at least twenty-five years of age and a representative at least twenty-one years of age.

SECTION 3. Legislators shall be elected at general elections. Their terms begin on the fourth Monday of the January following election unless otherwise provided by law. The term of representatives shall be two years, and the term of Senators, four years. One-half of the senators shall be elected every two years.

SECTION 4. A vacancy in the legislature shall be filled for the unexpired term as provided by law. If no provision is made, the governor shall fill the vacancy by appointment.

SECTION 5. No legislator may hold any other office or position of profit under the United States or the State. During the term for which elected and for one year thereafter, no legislator may be nominated, elected, or appointed to any other office or position of profit which has been created, or the salary or emoluments of which have been increased, while he was a member. This section shall not prevent any person from seeking or holding the office of governor, secretary of state, or member of Congress. This section shall not apply to employment by or election to a constitutional convention.

SECTION 6. Legislators may not be held to answer before any other tribunal for any statement made in the exercise of their legislative duties while the legislature is in session. Members attending, going to, or returning from legislative sessions are not subject to civil process and are privileged from arrest except for felony or breach of the peace.

SECTION 7. Legislators shall receive annual salaries. They may receive a per diem allowance for expenses while in session and are entitled to travel expenses going to and from sessions. Presiding officers may receive additional compensation.

SECTION 8. The legislature shall covene each year on the fourth Monday in January, but the month and day may be changed by law.

SECTION 9. Special sessions may be called by the governor or by vote of two-thirds of the legislators. The vote may be conducted by the legislative council or as prescribed by law. At special sessions called by the governor, legislation shall be limited to subjects designated in his proclamation calling the session or to subjects presented by him. Special sessions are limited to thirty days.

SECTION 10. Neither house may adjourn or recess for longer than three days unless the other concurs. If the two houses cannot agree on the time of adjourn-

ment and either house certifies the disagreement to the governor, he may adjourn the legislature.

SECTION 11. There shall be a legislative council, and the legislature may establish other interim committees. The council and other interim committees may meet between legislative sessions. They may perform duties and employ personnel as provided by the legislature. Their members may receive an allowance for expenses while performing their duties.

SECTION 12. The house of each legislature shall adopt uniform rules of procedure. Each house may choose its officers and employees. Each is the judge of the election and qualifications of its members and may expel a member with the concurrence of two-thirds of its members. Each shall keep a journal of its proceedings. A majority of the membership of each house constitutes a quorum to do business, but a smaller number may adjourn from day to day and may compel attendance of absent members. The legislature shall regulate lobbying.

SECTION 13. Every bill shall be confined to one subject unless it is an appropriation bill or one codifying, revising, or rearranging existing laws. Bills for appropriations shall be confined to appropriations. The subject of each bill shall be expressed in the title. The enacting clause shall be: "Be it enacted by the Legislature of the State of Alaska."

SECTION 14. The legislature shall establish the procedure for enactment of bills into law. No bill may become law unless it has passed three readings in each house on three separate days, except that any bill may be advanced from second to third reading on the same day by concurrence of three-fourths of the house considering it. No bill may become law without an affirmative vote of a majority of the membership of each house. The yeas and nays on final passage shall be entered in the journal.

SECTION 15. The governor may veto bills passed by the legislature. He may, by veto, strike or reduce items in appropriation bills. He shall return any vetoed bill, with a statement of his objections, to the house of origin.

SECTION 16. Upon receipt of a veto message, the legislature shall meet immediately in joint session and reconsider passage of the vetoed bill or item. Bills to raise revenue and appropriation bills or items, although vetoed, became law by affirmative vote of three-fourths of the membership of the legislature. Other vetoed bills became law by affirmative vote of two-thirds of the membership of the legislature. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses.

SECTION 17. A bill becomes law if, while the legislature is in session, the governor neither signs nor vetoes it within fifteen days, Sundays excepted, after its delivery to him. If the legislature is not in session and the governor neither signs nor vetoes a bill within twenty days, Sundays excepted, after its delivery to him, the bill becomes law.

SECTION 18. Laws passed by the legislature become effective ninety days after enactment. The legislature may, by concurrence of two-thirds of the membership of each house, provide for another effective date.

SECTION 19. The legislature shall pass no local or special act if a general act can be made applicable. Whether a general act can be made applicable shall be subject to judicial determination. Local acts necessitating appropriations by a political subdivision may not become effective unless approved by a majority of the qualified voters voting thereon in the subdivision affected.

SECTION 20. All civil officers of the State are subject to impeachment by the legislature. Impeachment shall originate in the senate and must be approved by a two-thirds vote of its members. The motion for impeachment shall list fully the basis for the proceeding. Trial on impeachment shall be conducted by the house of representatives. A supreme court justice designated by the court shall preside at the trial. Concurrence of two-thirds of the members of the house is required for a judgment of impeachment. The judgment may not extend beyond removal from office, but shall not prevent proceedings in the courts on the same or related charges.

SECTION 21. The legislature shall establish procedures for suits against the State.

ARTICLE III. THE EXECUTIVE

SECTION 1. The executive power of the State is vested in the governor.

SECTION 2. The governor shall be at least thirty years of age and a qualified voter of the State. He shall have been a resident of Alaska at least seven years immediately preceding his filing for office, and he shall have been a citizen of the United States for at least seven years.

SECTION 3. The governor shall be chosen by the qualified voters of the State at a general election. The candidate receiving the greatest number of votes shall be governor.

SECTION 4. The term of office of the governor is four years, beginning at noon on the first Monday in December following his election and ending at noon on the first Monday in December four years later.

SECTION 5. No person who has been elected governor for two full successive terms shall be again eligible to hold that office until one full term has intervened.

SECTION 6. The governor shall not hold any other office or position of profit under the United States, the State, or its political subdivisions.

SECTION 7. There shall be a secretary of state. He shall have the same qualifications as the governor and serve for the same term. He shall perform such duties as may be prescribed by law and as may be delegated to him by the governor.

SECTION 8. The secretary of state shall be nominated in the manner provided by law for nominating candidates for other elective offices. In the general election the votes cast for a candidate for governor shall be considered as cast also for the candidate for secretary of state running jointly with him. The candidate whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected secretary of state.

SECTION 9. In case of the temporary absence of the governor from office, the secretary of state shall serve as acting governor.

SECTION 10. If the governor-elect dies, resigns, or is disqualified, the secretary of state elected with him shall succeed to the office of governor for the full term. If the governor-elect fails to assume office for any other reason, the secretary of state elected with him shall serve as acting governor, and shall succeed to the office if the governor-elect does not assume his office within six months of the beginning of the term.

SECTION 11. In case of a vacancy in the office of governor for any reason, the secretary of state shall succeed to the office for the remainder of the term.

SECTION 12. Whenever for a period of six months, a governor has been continuously absent from office or has been unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant. The procedure for determining absence and disability shall be prescribed by law.

SECTION 13. Provision shall be made by law for succession to the office of governor and for an acting governor in the event that the Secretary of state is unable to succeed to the office or act as governor. No election of a secretary of state shall be held except at the time of electing a governor.

SECTION 14. When the secretary of state succeeds to the office of governor, he shall have the title, powers, duties, and emoluments of that office.

SECTION 15. The compensation of the governor and the secretary of state shall be prescribed by law and shall not be diminished during their term of office, unless by general law applying to all salaried officers of the State.

SECTION 16. The governor shall be responsible for the faithful execution of the laws. He may, by appropriate court action or proceeding brought in the name of the State, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right by any officer, department, or agency of the State or any of its political subdivisions. This authority shall not be construed to authorize any action or proceeding against the legislature.

SECTION 17. Whenever the governor considers it in the public interest, he may convene the legislature, either house, or the two houses in joint session.

SECTION 18. The governor shall, at the beginning of each session, and may at other times, give the legislature information concerning the affairs of the State and recommend the measures he considers necessary.

SECTION 19. The governor is commander-in-chief of the armed forces of the State. He may call out these forces to execute the laws, suppress or prevent insurrection or lawless violence, or repel invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

SECTION 20. The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

SECTION 21. Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and

forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

SECTION 22. All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers, and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department.

SECTION 23. The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

SECTION 24. Each principal department shall be under the supervision of the governor.

SECTION 25. The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the secretary of state. The heads of all principal departments shall be citizens of the United States.

SECTION 26. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

SECTION 27. The governor may make appointments to fill vacancies occurring during a recess of the legislature, in offices requiring confirmation by the legislature. The duration of such appointments shall be prescribed by law.

ARTICLE IV. THE JUDICIARY

SECTION. 1. The judicial power of the State is vested in a supreme court, a superior court, and the courts established by the legislature. The jurisdiction of courts shall be prescribed by law. The courts shall constitute a unified judicial system for operation and administration. Judicial districts shall be established by law.

SECTION. 2. The supreme court shall be the highest court of the State, with final appellate jurisdiction. It shall consist of three justices, one of whom is chief justice. The number of justices may be increased by law upon the request of the supreme court.

SECTION 3. The superior court shall be the trial court of general jurisdiction and shall consist of five judges. The number of judges may be changed by law.

SECTION. 4. Supreme court justices and superior court judges shall be citizens of the United States and of the State, licensed to practice law in the State, and possessing any additional qualifications prescribed by law. Judges of other courts shall be selected in a manner, for terms, and with qualifications prescribed by law.

SECTION 5. The governor shall fill any vacancy in an office of supreme court justice or superior court judge by appointing one of two or more persons nominated by the judicial council.

SECTION 6. Each supreme court justice and superior court judge shall, in the manner provided by law, be subject to approval or rejection on a nonpartisan ballot at the first general election held more than three years after his appointment. Thereafter, each supreme court justice shall be subject to approval or rejection in a like manner every tenth year, and each superior court judge, every sixth year.

SECTION 7. The office of any supreme court justice or superior court judge becomes vacant ninety days after the election at which he is rejected by a majority of those voting on the question, or for which he fails to file his declaration of candidacy to succeed himself.

SECTION 8. The judicial council shall consist of seven members. Three attorney members shall be appointed for six-year terms by the governing body of the organized state bar. Three non-attorney members shall be appointed for six-year terms by the governor subject to confirmation by a majority of the members of the legislature in joint session. Vacancies shall be filled for the unexpired term in like manner. Appointments shall be made with due consideration to area representation and without regard to political affiliation. The chief justice of the supreme court shall be ex officio the seventh member and chairman of the judicial council. No member of the judicial council, except the chief justice, may hold any other office or position of profit under the United States or the State. The judicial council shall act by concurrence of four or more members and according to rules which it adopts.

SECTION 9. The judicial council shall conduct studies for improvement of the administration of justice, and make reports and recommendations to the supreme court and to the legislature at intervals of not more than two years. The judicial council shall perform other duties assigned by law.

SECTION 10. Whenever the judicial council certifies to the governor that a supreme court justice appears to be so incapacitated as substantially to prevent him from performing his judicial duties, the governor shall appoint a board of three persons to inquire into the circumstances, and may on the board's recommendation retire the justice. Whenever a judge of another court appears to be so incapacitated as substantially to prevent him from performing his judicial duties, the judicial council shall recommend to the supreme court that the judge be placed under early retirement. After notice and hearing, the supreme court by majority vote of its member may retire the judge.

SECTION 11. Justices and judges shall be retired at the age of seventy except as provided in this article. The basis and amount of retirement pay shall be prescribed by law. Retired judges shall render no further service on the bench except for special assignments as provided by court rule.

SECTION 12. Impeachment of any justice or judge for malfeasance or misfeasance in the performance of his official duties shall be according to procedure prescribed for civil officers.

SECTION 13. Justices, judges, and members of the judicial council shall receive compensation as prescribed by law. Compensation of justices and judges shall not be diminished during their terms of office, unless by general law applying to all salaried officers of the State.

SECTION 14. Supreme court justices and superior court judges while holding office may not practice law, hold office in a political party, or hold any other office or position of profit under the United States, the State, or its political subdivisions. Any supreme court justice or superior court judge filing for another elective public office forfeits his judicial position.

SECTION 15. The supreme court shall make and promulgate rules governing the administration of all courts. It shall make and promulgate rules governing practice and procedure in civil and criminal cases in all courts. These rules may be changed by the legislature by two-thirds vote of the members elected to each house,.

SECTION 16. The chief justice of the supreme court shall be the administrative head of all courts. He may assign judges from one court or division thereof to another for temporary service. The chief justice shall, with the approval of the supreme court, appoint an administrative director to serve at his pleasure and to supervise the administrative operations of the judicial system.

ARTICLE V. SUFFRAGE AND ELECTIONS

SECTION 1. Every citizen of the United States who is at least nineteen years of age, who meets registration requirements which may be prescribed by law, and who is qualified to vote under this article, may vote in any state or local election. He shall have been, immediately preceding the election, for one year a resident of Alaska and for thirty days a resident of the election district in which he seeks to vote. He shall be able to read or speak the English language as prescribed by law, unless prevented by physical disability. Additional voting qualications may be prescribed by law for bond issue elections of political subdivisions.

SECTION 2. No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored. No person may vote who has been judicially determined to be of unsound mind unless the disability has been removed.

SECTION 3. Methods of voting, including absentee voting, shall be prescribed by law. Secrecy of voting shall be preserved. The procedure for determining election contests, with right of appeal to the courts, shall be prescribed by law.

SECTION 4. The legislature may provide a system of permanent registration of voters, and may establish voting precincts within election districts.

SECTION 5. General elections shall be held on the second Tuesday in October of every even-numbered year, but the month and day may be changed by law.

ARTICLE VI. LEGISLATIVE APPORTIONMENT

SECTION 1. Members of the house of representatives shall be elected by the qualified voters of the respective election districts. Until reapportionment, election districts and the number of representatives to be elected from each district shall be as set forth in Section 1 of Article XIV.

SECTION 2. Members of the senate shall be elected by the qualified voters of the respective senate districts. Senate districts shall be as set forth in Section 2 of Article XIV, subject to changes authorized in this article.

SECTION 3. The governor shall reapportion the house of representatives immediately following the official reporting of each decennial census of the United States. Reapportionment shall be based upon civilian population within each election district as reported by the census.

SECTION 4. Reapportionment shall be by the method of equal proportions, except that each election district having the major fraction of the quotient obtained by dividing total civilian population by forty shall have one representative.

SECTION 5. Should the total civilian population within any election district fall below one-half of the quotient, the district shall be attached to an election district within its senate district, and the reapportionment for the new district shall be determined as provided in Section 4 of this article.

SECTION 6. The governor may further redistrict by changing the size and area of election districts, subject to the limitations of this article. Each new district so created shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area. Each shall contain a population at least equal to the quotient obtained by dividing the total civilian population by forty. Consideration may be given to local government boundaries. Drainage and other geographic features shall be used in describing boundaries wherever possible.

SECTION 7. The senate districts, described in Section 2 of Article XIV, may be modified to reflect changes in election districts. A district, although modified, shall retain its total number of senators and its approximate perimeter.

SECTION 8. The governor shall appoint a reapportionment board to act in an advisory capacity to him. It shall consist of five members, none of whom may be public employees or officials. At least one member each shall be appointed from the Southeastern, Southcentral, Central, and Northwestern Senate Districts. Appointments shall be made without regard to political affiliation. Board members shall be compensated.

SECTION 9. The board shall elect one of its members chairman and may employ temporary assistants. Concurrence of three members is required for a ruling or determination, but a lesser number may conduct hearings or otherwise act for the board.

SECTION 10. Within ninety days following the official reporting of each decennial census, the board shall submit to the governor a plan for reapportionment and redistricting as provided in this article. Within ninety days after receipt of the plan, the governor shall issue a proclamation of reapportionment and redistricting. An accompanying statement shall explain any change from the plan of the board. The reapportionment and redistricting shall be effective for the election of members of the legislature until after the official reporting of the next decennial census.

SECTION 11. Any qualified voter may apply to the superior court to compel the governor, by mandamus or otherwise, to perform his reapportionment duties or to correct any error in redistricting or reapportionment. Application to compel the governor to perform his reapportionment duties must be filed within thirty days of the expiration of either of the two ninety-day periods specified in this article. Application to compel correction of any error in redistricting or reapportionment must be filed within thirty days following the proclamation. Original jurisdiction in these matters is hereby vested in the superior court. On appeal, the cause shall be reviewed by the supreme court upon the law and the facts.

ARTICLE VII. HEALTH, EDUCATION, AND WELFARE

SECTION 1. The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

SECTION 2. The University of Alaska is hereby established as the state university and constituted a body corporate. It shall have title to all real and personal property now or hereafter set aside for or conveyed to it. Its property shall be administered and disposed of according to law.

SECTION. 3. The University of Alaska shall be governed by a board of regents. The regents shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The board shall, in accordance with law, formulate policy and appoint the president of the university. He shall be the executive officer of the board.

SECTION 4. The legislature shall provide for the promotion and protection of public health.

SECTION 5. The legislature shall provide for public welfare.

ARTICLE VIII. NATURAL RESOURCES

SECTION 1. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

SECTION 2. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

SECTION 3. Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

SECTION 4. Fish, forests, wildlife, grass lands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

SECTION 5. The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation, and settlement of lands, and to assure fuller utilization and development of the fisheries, wildlife, and waters.

SECTION 6. Lands and interests therein, including submerged and tidal lands, possessed or acquired by the State, and not used or intended exclusively for governmental purposes, constitute the state public domain. The legislature shall provide for the selection of lands granted to the State by the United States, and for the administration of the state public domain.

SECTION 7. The legislature may provide for the acquisition of sites, objects, and areas of natural beauty or of historic, cultural, recreational, or scientific value. It may reserve them from the public domain and provide for their administration and preservation for the use, enjoyment, and welfare of the people.

SECTION 8. The legislature may provide for the leasing of, and the issuance of permits for exploration of, any part of the public domain or interest therein, suchject to reasonable concurrent uses. Leases and permits shall provide, among other conditions, for payment by the party at fault for damage or injury arising from noncompliance with terms governing concurrent use, and for forfeiture in the event of breach of conditions.

SECTION 9. Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners use, prevent the control of trepass, or preclude compensation for damage.

SECTION 10. No disposals or leases of state lands, or interests therein, shall be made without prior public notice and other safeguards of the public interest as may be prescribed by law.

SECTION 11. Discovery and appropriation shall be the basis for establishing a right in those minerals reserved to the State which, upon the date of ratification of this constitution by the people of Alaska, were subject to location under the federal mining laws. Prior discovery, location, and filing, as prescribed by law, shall establish a prior right to these minerals and also a prior right to permits,

leases, and transferable licenses for their extraction. Continuation of these rights shall depend upon the performance of annual labor, or the payment of fees, rents, or royalties, or upon other requirements as may be prescribed by law. Surface uses of land by a mineral claimant shall be limited to those necessary for the extraction or basic processing of the mineral deposits, or for both. Discovery and appropriation shall initiate a right, subject to further requirements of law, to patent of mineral lands if authorized by the State and not prohibited by Congress. The provisions of this section shall apply to all other minerals reserved to the State which by law are declared subject to appropriation.

SECTION 12. The legislature shall provide for the issuance, types and terms of leases for coal, oil, gas, oil shale, sodium, phosphate, potash, sulfur, pumice, and other minerals as may be prescribed by law. Leases and permits giving the exclusive right of exploration for these minerals for specific periods and areas, subject to reasonable concurrent exploration as to different classes of minerals, may be authorized by law. Like leases and permits giving the exclusive right of prospecting by geophysical, geochemical, and similar methods for all minerals may also be authorized by law.

SECTION 13. All surface and subsurface waters reserved to the people for common use, except mineral and medicinal waters, are subject to appropriation. Priority of appropriation shall give prior right. Except for public water supply, an appropriation of water shall be limited to stated purposes and subject to preferences among beneficial uses, concurrent or otherwise, as prescribed by law, and to the general reservation of fish and wildlife.

SECTION 14. Free access to the navigable or public waters of the State, as defined by the legislature, shall not be denied any citizen of the United States or resident of the State, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes.

SECTION 15. No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State.

SECTION. 16. No person shall be involuntarily divested of his right to the use of waters, his interests in lands, or improvements affecting either, except for a superior beneficial use or public purpose and then only with just compensation and by operation of law.

SECTION 17. Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation.

SECTION 18. Proceedings in eminent domain may be undertaken for private ways of necessity to permit essential access for extraction or utilization of resources. Just compensation shall be made for property taken or for resultant damages to other property rights.

ARTICLE IX. FINANCE AND TAXATION

SECTION 1. The power of taxation shall never be surrendered. This power shall not be suspended or contracted away, except as provided in this article.

SECTION 2. The lands and other property belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the lands and other property belonging to the residents of the State.

SECTION 3. Standards for appraisal of all property assessed by the State or its political subdivisions shall be prescribed by law.

SECTION 4. The real and personal property of the State or its political subdivisions shall be exempt from taxation under conditions and exceptions which may be provided by law. All, or any portion of, property used exclusively for non-profit religious, charitable, cemetery, or educational purposes, as defined by law, shall be exempt from taxation. Other exemptions of like or different kind may be granted by general law. All valid existing exemptions shall be retained until otherwise provided by law.

SECTION 5. Private leaseholds, contracts, or interests in land or property owned or held by the United States, the State, or its political subdivisions, shall be taxable to the extent of the interests.

SECTION 6. No tax shall be levied, or appropriation of public money made, or public property transferred, nor shall the public credit be used, except for a public purpose.

SECTION 7. The proceeds of any state tax or license shall not be dedicated to any special purpose, except when required by the federal government for state participation in federal programs. This provision shall not prohibit the con-

tinuance of any dedication for special purposes existing upon the date of ratification of this constitution by the people of Alaska.

SECTION 8. No state debt shall be contracted unless authorized by law for capital improvements and ratified by a majority of the qualified voters of the State who vote on the question. The State may, as provided by law and without ratification contract debt for the purpose of repelling invasion, suppressing insurrection, defending the State in war, meeting natural disasters, or reedeeming indebtedness outstanding at the time this constitution becomes effective.

SECTION 9. No debt shall be contracted by any political subdivision of the State unless authorized for capital improvements by its governing body and ratified by a majority vote of those qualified to vote and voting on the question.

SECTION 10. The State and its political subdivisions may borrow money to meet appropriations for any fiscal year in anticipation of the collection of the revenues for that year, but all debt so contracted shall be paid before the end of the next fiscal year.

SECTION 11. The restrictions on contracting debt do not apply to debt incurred through the issuance of revenue bonds by a public enterprise or public corporation of the State or a political subdivision, when the only security is the revenues of the enterprise or corporation. The restrictions do not apply to indebtedness to be paid from special assessments on the benefited property, nor do they apply to refunding indebtedness of the State or its political subdivisions.

SECTION 12. The governor shall submit to the legislature, at a time fixed by law, a budget for the next fiscal year setting forth all proposed expenditures and anticipated income of all departments, offices, and agencies of the State. The governor, at the same time, shall submit a general appropriation bill to authorize the proposed expenditures, and a bill or bills covering recommendations in the budget for new or additional revenues.

SECTION 13. No money shall be withdrawn from the treasury except in accordance with appropriations made by law. No obligation for the payment of money shall be incurred except as authorized by law. Unobligated appropriations outstanding at the end of the period of time specified by law shall be void.

SECTION 14. The legislature shall appoint an auditor to serve at its pleasure. He shall be a certified public accountant. The auditor shall conduct post-audits as prescribed by law and shall report to the legislature and to the governor.

ARTICLE X. LOCAL GOVERNMENT

SECTION 1. The purpose of this article is to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions. A liberal construction shall be given to the powers of local government units.

SECTION 2. All local government powers shall be vested in boroughs and cities. The State may delegate taxing powers to organized boroughs and cities only.

SECTION 3. The entire State shall be divided into boroughs, organized or unorganized. They shall be established in a manner and according to standards provided by law. The standards shall include population, geography, economy, transportation, and other factors. Each borough shall embrace an area and population with common interests to the maximum degree possible. The legislature shall classify boroughs and prescribe their powers and functions. Methods by which boroughs may be organized, incorporated, merged, consolidated, reclassified, or dissolved shall be prescribed by law.

SECTION 4. The governing body of the organized borough shall be the assembly, and its composition shall be established by law or charter. Each city of the first class, and each city of any other class designated by law, shall be represented on the assembly by one or more members of its council. The other members of the assembly shall be elected from and by the qualified voters resident outside such cities.

SECTION 5. Service areas to provide special services within an organized borough may be established, altered, or abolished by the assembly, subject to the provisions of law or charter. A new service area shall not be established if, consistent with the purposes of this article, the new service can be provided by an existing service area, by incorporation as a city, or by annexation to a city. The assembly may authorize the levying of taxes, charges, or assessments within a service area to finance the special services.

SECTION 6. The legislature shall provide for the performance of services it deems necessary or advisable in unorganized boroughs, allowing for maximum local participation and responsibility. It may exercise any power or function

in an unorganized borough which the assembly may exercise in an organized borough.

SECTION 7. Cities shall be incorporated in a manner prescribed by law, and shall be a part of the borough in which they are located. Cities shall have the powers and functions conferred by law or charter. They may be merged, consolidated, classified, reclassified, or dissolved in the manner provided by law.

SECTION 8. The governing body of a city shall be the council.

SECTION 9. The qualified voters of any borough of the first class or city of the first class may adopt, amend, or repeal a home rule charter in a manner provided by law. In the absence of such legislation, the governing body of a borough or city of the first class shall provide the procedure for the preparation and adoption or rejection of the charter. All charters, or parts or amendments of charters, shall be submitted to the qualified voters of the borough or city, and shall become effective if approved by a majority of those who vote on the specific question.

SECTION 10. The legislature may extend home rule to other boroughs and cities.

SECTION 11. A home rule borough or city may exercise all legislative powers not prohibited by law or by charter.

SECTION 12. A local boundary commission or board shall be established by law in the executive branch of the state government. The commission or board may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first ten days of any regular session. The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house. The commission or board, subject to law, may establish procedures whereby boundaries may be adjusted by local action.

SECTION 13. Agreements, including those for cooperative or joint administration of any functions or powers, may be made by any local government with any other local government, with the State, or with the United States, unless otherwise provided by law or charter. A city may transfer to the borough in which it is located any of its powers or functions unless prohibited by law or charter, and may in like manner revoke the transfer.

SECTION 14. An agency shall be established by law in the executive branch of the state government to advise and assist local governments. It shall review their activities, collect and publish local government information, and perform other duties prescribed by law.

SECTION 15. Special service districts existing at the time a borough is organized shall be integrated with the government of the borough as provided by law.

ARTICLE XI. INITIATIVE, REFERENDUM, AND RECALL

SECTION 1. The people may propose and enact laws by the initiative, and approve or reject acts of the legislature by the referendum.

SECTION 2. An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than one hundred qualified voters as sponsors, and shall be filed with the secretary of state. If he finds it in proper form he shall so certify. Denial of certification shall be subject to judicial review.

SECTION 3. After certification of the application, a petition containing a summary of the subject matter shall be prepared by the secretary of state for circulation by the sponsors. If signed by qualified voters, equal in number to ten per cent of those who voted in the preceding general election and resident in at least two-thirds of the election districts of the State, it may be filed with the secretary of state.

SECTION 4. An initiative petition may be filed at any time. The secretary of state shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filing. If, before the election, substantially the same measure has been enacted, the petition is void.

SECTION 5. A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. The secretary of state shall prepare a ballot title and proposition summarizing the act and shall place them on the ballot for the first statewide election held more than one hundred eighty days after adjournment of that session.

SECTION 6. If a majority of the votes cast on the proposition favor its adoption, the initiated measure is enacted. If a majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected. The secretary of state shall certify the election returns. An initiated law becomes effective ninety days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date. It may be amended at any time. An act rejected by referendum is void thirty days after certification. Additional procedures for the initiative and referendum may be prescribed by law.

SECTION 7. The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

SECTION 8. All elected public officials in the State, except judicial officers, are subject to recall by the voters of the State or political subdivision from which elected. Procedures and grounds for recall shall be prescribed by the legislature.

ARTICLE XII. GENERAL PROVISIONS

SECTION 1. The State of Alaska shall consist of all the territory, together with the territorial waters appurtenant thereto, included in the Territory of Alaska upon the date of ratification of this constitution by the people of Alaska.

SECTION 2. The State and its political subdivisions may cooperate with the United States and its territories, and with other states and their political subdivisions on matters of common interest. The respective legislative bodies may make appropriations for this purpose.

SECTION 3. Service in the armed forces of the United States or of the State is not an office or position of profit as the term is used in this constitution.

SECTION 4. No person who advocates, or who aids or belongs to any party or organization or association which advocates, the overthrow by force or violence of the government of the United States or of the State shall be qualified to hold any public office of trust or profit under this constitution.

SECTION 5. All public officers, before entering upon the duties of their offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alaska, and that I will faithfully discharge my duties as _____ to the best of my ability." The legislature may prescribe further oaths or affirmations.

SECTION 6. The legislature shall establish a system under which the merit principle will govern the employment of persons by the State.

SECTION 7. Membership in employee retirement systems of the State or its political subdivisions shall constitute a contractual relationship. Accrued benefits of these systems shall not be diminished or impaired.

SECTION 8. The enumeration of specified powers in this constitution shall not be construed as limiting the powers of the State.

SECTION 9. The provisions of this constitution shall be construed to be self-executing whenever possible.

SECTION 10. Titles and subtitles shall not be used in construing this constitution. Personal pronouns used in this constitution shall be construed as including either sex.

SECTION 11. As used in this constitution, the terms "by law" and "by the legislature," or variations of these terms, are used interchangeably when related to law-making powers. Unless clearly inapplicable, the law-making powers assigned to the legislature may be exercised by the people through the initiative, subject to the limitations of Article XI.

SECTION 12. The State of Alaska and its people forever disclaim all right and title in or to any property belonging to the United States, or subject to its disposition, and not granted or confirmed to the State or its political subdivisions, by or under the act admitting Alaska to the Union. The State and its people further disclaim all right or title in or to any property, including fishing rights,

the right or title to which may be held by or for any Indian, Eskimo, or Aleut, or community thereof, as that right or title is defined in the act of admission. The State and its people agree that, unless otherwise provided by Congress, the property, as described in this section, shall remain subject to the absolute disposition of the United States. They further agree that no taxes will be imposed upon any such property, until otherwise provided by the Congress. This tax exemption shall not apply to property held by individuals in fee without restrictions on alienation.

SECTION 13. All provisions of the act admitting Alaska to the Union which reserve rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property, are consented to fully by the State and its people.

ARTICLE XIII. AMENDMENT AND REVISION

SECTION 1. Amendments to this constitution may be proposed by a two-thirds vote of each house of the legislature. The secretary of state shall prepare a ballot title and proposition summarizing each proposed amendment, and shall place them on the ballot for the next statewide election. If a majority of the votes cast on the proposition favor the amendment, it shall be adopted. Unless otherwise provided in the amendment, it becomes effective thirty days after the certification of the election returns by the secretary of state.

SECTION 2. The legislature may call constitutional conventions at any time.

SECTION 3. If during any ten-year period a constitutional convention has not been held, the secretary of state shall place on the ballot for the next general election the question: "Shall there be a Constitutional Convention?" If a majority of the votes cast on the question are in the negative, the question need not be placed on the ballot until the end of the next ten-year period. If a majority of the votes cast on the question are in the affirmative, delegates to the convention shall be chosen at the next regular statewide election, unless the legislature provides for the election of the delegates at a special election. The secretary of state shall issue the call for the convention. Unless other provisions have been made by law, the call shall conform as nearly as possible to the act calling the Alaska Constitutional Convention of 1955, including, but not limited to, number of members, districts, election and certification of delegates, and submission and ratification of revisions and ordinances. The appropriation provisions of the call shall be self-executing and shall constitute a first claim on the state treasury.

SECTION 4. Constitutional conventions shall have plenary power to amend or revise the constitution, subject only to ratification by the people. No call for a constitutional convention shall limit these powers of the convention.

ARTICLE XIV. APPORTIONMENT SCHEDULE

SECTION 1. Members of the house of representatives shall, until reapportionment, be elected from the election districts and in the numbers shown below:

Number of district	Name of district	Number of Representatives	Number of district	Name of district	Number of Representatives
1	Prince of Wales	1	13	Kodiak	2
2	Ketchikan	2	14	Aleutian Islands	1
3	Wrangell-Petersburg	1	15	Bristol Bay	1
4	Sitka	2	16	Bethel	1
5	Juneau	2	17	Kuskokwim	1
6	Lynn Canal-Icy Straits	1	18	Yukon-Koyukuk	1
7	Cordova-McCarthy	1	19	Fairbanks	5
8	Valdez-Chitina-Whittier	1	20	Upper Yukon	1
9	Palmer-Wasilla-Talkeetna	1	21	Barrow	1
10	Anchorage	8	22	Kobuk	1
11	Seward	1	23	Nome	2
12	Kenai-Cook Inlet	1	24	Wade Hampton	1

SECTION 2. Members of the senate shall be elected from the senate districts and in the number shown below:

Name of district	Composed of election districts	Number of Senators
A. Southeastern	1, 2, 3, 4, 5, and 6	2
B. Ketchikan-Prince of Wales	1 and 2	1
C. Wrangell-Petersburg-Sitka	3 and 4	1
D. Juneau-Yakutat	5 and 6	1
E. Southcentral	7, 8, 9, 10, 11, 12, 13, and 14	2
F. Cordova-Valdez	7 and 8	1
G. Anchorage-Palmer	9 and 10	1
H. Seward-Kenai	11 and 12	1
I. Kodiak-Aleutians	13 and 14	1
J. Central	15, 16, 17, 18, 19, and 20	2
K. Bristol Bay-Bethel	15 and 16	1
L. Yukon-Kuskokwim	17 and 18	1
M. Fairbanks-Fort Yukon	19 and 20	1
N. Northwestern	21, 22, 23, and 24	2
O. Barrow-Kobuk	21 and 22	1
P. Nome-Wade Hampton	23 and 24	1

SECTION 3. The election districts set forth in Section 1 shall include the following territory:

1. Prince of Wales: All of Prince of Wales, Dall, Forrester, Suemez, Baker, Lulu, Noyes, Warren, Kosciusko and the Kashevarof Islands as well as adjacent off-shore islands.

2. Ketchikan: That area of the mainland drained by streams flowing into Revillagigedo Channel, Behm Canal, Burroughs Bay, and east side of Clarence Strait from the southernmost point of the Alaska-British Columbia boundary line to and including Lemesurier Point; and those islands south of Ernest Sound and east of Clarence Strait, including Revillagigedo, Gravina, Annette, and Duke Islands, and other adjacent smaller islands.

3. Wrangell-Petersburg: That area of the mainland north of Election District No. 2 and south of, and including, the area draining into Frederick Sound to Cape Fanshaw on the north, and partly bounded on the north by a line drawn between Cape Fanshaw and the north side of Pybus Bay; that area of Admiralty Island drained by streams flowing into Frederick Sound; that area of Baranof Island drained by streams flowing into Chatham Strait to but not including that area drained by streams flowing into Peril Strait; and including Kupreanof, Mitkof, Kuiu and Coronation Islands and other smaller adjacent islands.

4. Sitka: Those parts of Admiralty, Chichagof, and Baranof Islands not included in Election Districts No. 3, 5 and 6; and Kruzof Island and other smaller adjacent islands.

5. Juneau: The mainland north of Election District No. 3 up to and including the area drained by streams flowing into Berners Bay on the north; and that area of Admiralty Island north of Election District No. 3 and drained by streams flowing into Stephens Passage, Seymour Canal, Lynn Canal, and their tributaries; and including Douglas, Shelter, and Benjamin Islands, and other small adjacent islands.

6. Lynn Canal-Icy Straits: That part of the mainland, not included in Election District No. 5, drained by streams flowing into Lynn Canal, Glacier Bay, Icy Strait, Cross Sound, and their tributaries, and the Pacific Ocean, to and including the area drained into Icy Bay to the west; those parts of Admiralty and Chichagof Islands drained by streams flowing into Icy Strait, Cross Sound, and their tributaries; and Yakobi, Lemesurier, and Pleasant Islands, and other smaller adjacent islands.

7. Cordova-McCarthy: That area draining into the Gulf of Alaska and Prince William Sound, from but not including that area draining into the south side of Icy Bay on the east, to Knowles Head on the West, including Hawkins, Hinchinbrook, Kayak, and Middleton Islands, and other smaller

adjacent islands; and that area drained by the Copper River and its tributaries up to and not including the Tiekel River on the west, and up to and including the Chitina River on the east.

8. Valdez-Chitina-Whittier: That area drained by all streams flowing into Prince William Sound from Cape Junken on the west to Knowles Head on the east, including Montague, Latouche, and Knight Islands, and adjacent smaller islands; and all of the area drained by the Copper River and its tributaries above and including the Tiekel River on the west, and above but not including the Chitina River on the east.

9. Palmer-Wasilla-Talkeetna: That area from and including Susitna on the south, drained by the Susitna River and its tributaries; and that area drained by the Little Susitna River from and including Flat Lake on the south; and that area draining into Knik Arm from and including Fish Creek and its tributaries on the west side of Knik Arm, to and including the area draining into the Knik River from the north, and from the south to the highway bridge.

10. Anchorage: That area around Turnagain Arm and east of Knik Arm drained by streams flowing into Turnagain Arm and Knik Arm, from and including Placer River on the south, to and including the Knik River highway bridge on the north; that area east of Knik Arm and north of Cook Inlet drained by Goose Creek and its tributaries on the east, and the Little Susitna River south of Flat Lake, and the Susitna River south of but not including Susitna; the area west of Cook Inlet drained by Ivan, Lewis, Theodore Rivers and their tributaries, to but not including Beluga River on the south.

11. Seward: That part of Kenai Peninsula draining into the Gulf of Alaska from Gore Point on the west to Cape Junken on the east; and the area draining into Turnagain Arm from and including the drainage of Resurrection Creek on the west to but not including Placer River on the east, and to and including the confluence of the Kenai and Russian Rivers on the west.

12. Kenai-Cook Inlet: That area of Kenai Peninsula drained by streams flowing into the Gulf of Alaska, Cook Inlet, and Turnagain Arm, from and including the area drained into Port Dick on the south to Gore Point, to but not including Resurrection Creek on the north, and thet area east of the confluence of the Kenai and Russian Rivers; and that area west of Cook Inlet drained by all streams flowing into Cook Inlet from Cape Douglas on the south, to and including the Beluga River; including Elizabeth Island and adjacent islands in Cook Inlet.

13. Kodiak: The part of the Alaska Peninsula drained by all streams flowing into the Pacific Ocean from Cape Douglas on the east to but not including Kujulik Bay on the west; and all adjacent off-shore islands, including the Semidi Islands, and Kodiak, Afognak, Trinity, Chirikof Islands, and other smaller islands in the immediate vicinity, such as the Barren Islands and the Chugach Islands.

14. Aleutian Islands: The part of the Alaska Peninsula west of and including the drainage of Meshik River and Kujulik Bay; and all of the Aleutian and Pribilof Islands and adjacent off-shore islands west of and excluding the Semidi Islands and Sutwik Island.

15. Bristol Bay: The area drained by all streams flowing into Bristol Bay from Cape Newenham on the west to but not including the Meshik River on the south.

16. Bethel: The area drained by all streams flowing into Baird Inlet, Etolin Strait, and Kuskokwim Bay; that area drained by the Kuskokwim River and its tributaries up to, and including, the area drained by the Tuluksak River on the east bank of the Kuskokwin River; and the area drained by tributaries up to the opposite point on the west bank of the Kuskokwim River; and including Nunivak Island and St. Matthew Island and adjacent islands.

17. Kuskokwim: The area drained by the Kuskokwim River and its tributaries above and not including the area drained by the Tuluksak River on the east bank; and the area drained by tributaries above the opposite

point on the west bank of the Kuskokwim River; and the area drained by the Yukon River from Tuckers Slough, to but not including the area drained by the Khotol River.

18. Yukon-Koyukuk: The area drained by all streams and their tributaries flowing into the Yukon River from and including Khotol River on the west to and including Hess Creek on the east; and that area drained by the Tanana River and its tributaries up to but not including Clear Creek, near Blair Lakes, on the east; and that part of Goldstream Creek up to but not including Nugget Creek and Spinach Creek; and that portion drained by the Chatanika River up to but not including Vault Creek.

19. Fairbanks: That area drained by the Tanana River and its tributaries from and including Clear Creek, near Blair Lakes, on the west, to the Alaska-Canada boundary on the east; and also that area drained by Goldstream Creek and its tributaries up stream from, and including, Nugget Creek and Spinach Creek; and that portion drained by the Chatanika River and its tributaries up stream from, and including, Vault Creek.

20. Upper Yukon: That area drained by the Yukon River and its tributaries from, but not including, Hess Creek on the west, to the Alaska-Canada boundary; and that area drained by streams flowing into the Arctic Ocean from, but not including, Kuparuk River on the west, to the Alaska boundary.

21. Barrow: The area drained by all streams flowing into the Arctic Ocean from Cape Lisburne on the west, to and including the area drained by the Kuparuk River and its tributaries on the east.

22. Kobuk: The area drained by all streams flowing into the Arctic Ocean and Kotzebue Sound, from Cape Lisburne on the north, to and including the area drained by the Goodhope River and its tributaries on the south.

23. Nome: That part of the Seward Peninsula and adjacent areas drained by all streams flowing into the Kotzebue Sound, Bering Strait and Norton Sound, from, but not including, the area drained by the Goodhope River and its tributaries on the north, to but not including, the area drained by the Pastolik River on the south; and King, Little Diomede, St. Lawrence, Sledge, and Stuart Islands, as well as adjacent offshore islands.

24. Wade Hampton: The area drained by the lower Yukon River and its tributaries, from Tuckers Slough to the mouth at the Bering Sea; and the area drained by all streams flowing into the Bering Sea and Norton Sound, from and including Hazen Bay on the south, to and including the Pastolik River on the north.

ARTICLE XV. SCHEDULE OF TRANSITIONAL MEASURES

To provide an orderly transition from a territorial to a state form of government, it is declared and ordained:

SECTION 1. All laws in force in the Territory of Alaska on the effective date of this constitution and consistent therewith shall continue in force until they expire by their own limitation, are amended, or repealed.

SECTION 2. Except as otherwise provided in this constitution, all rights, titles, actions, suits, contracts, and liabilities and all civil, criminal, or administrative proceedings shall continue unaffected by the change from territorial to state government, and the State shall be the legal successor to the Territory in these matters.

SECTION 3. Cities, school districts, health districts, public utility districts, and other local subdivisions of government existing on the effective date of this constitution shall continue to exercise their powers and functions under existing law, pending enactment of legislation to carry out the provisions of this constitution. New local subdivisions of government shall be created only in accordance with this constitution.

SECTION 4. All officers of the Territory, or under its laws, on the effective date of this constitution shall continue to perform the duties of their offices in a manner consistent with this constitution until they are superseded by officers of the State.

SECTION 5. Residence, citizenship, or other qualifications under the Territory may be used toward the fulfillment of corresponding qualifications required by this constitution.

SECTION 6. When the people of the Territory ratify this constitution and it is approved by the duly constituted authority of the United States, the governor

of the Territory shall, within thirty days after receipt of the official notification of such approval, issue a proclamation and take necessary measures to hold primary and general elections for all state elective offices provided for by this constitution.

SECTION 7. The primary election shall take place not less than forty nor more than ninety days after the proclamation by the governor of the Territory. The general election shall take place not less than ninety days after the primary election. The elections shall be governed by this constitution and by applicable territorial laws.

SECTION 8. The officers to be elected at the first general election shall include two senators and one representative to serve in the Congress of the United States, unless senators and a representative have been previously elected and seated. One senator shall be elected for the long term and one senator for the short term, each term to expire on the third day of January in an odd-numbered year to be determined by authority of the United States. The term of the representative shall expire on the third day of January in the odd-numbered year immediately following his assuming office. If the first representative is elected in an even-numbered year to take office in that year, a representative shall be elected at the same time to fill the full term commencing on the third day of January of the following year, and the same person may be elected for both terms.

SECTION 9. The first governor and secretary of state shall hold office for a term beginning with the day on which they assume office and ending at noon on the first Monday in December of the even-numbered year following the next presidential election. This term shall count as a full term for purposes of determining eligibility for reelection only if it is four years or more in duration.

SECTION 10. At the first state general election, one senator shall be chosen for a two-year term from each of the following senate districts, described in Section 2 of Article XIV: A, B, D, E, G, I, J, L, N, and O. At the same election, one senator shall be chosen for a four-year term from each of the following senate districts, described in Section 2 of Article XIV: A, C, E, F, H, J, K, M, N, and P.

SECTION 11. The first state legislators shall hold office for a term beginning with the day on which they assume office and ending at noon on the fourth Monday in January after the next general election, except that senators elected for four-year terms shall serve an additional two years thereafter. If the first general election is held in an even-numbered year, it shall be deemed to be the general election for that year.

SECTION 12. The returns of the first general election shall be made, canvassed, and certified in the manner prescribed by law. The governor of the Territory shall certify the results to the President of the United States.

SECTION 13. When the President of the United States issues a proclamation announcing the results of the election, and the State has been admitted into the Union, the officers elected and qualified shall assume office.

SECTION 14. The governor shall call a special session of the first state legislature within thirty days after the presidential proclamation unless a regular session of the legislature falls within that period. The special session shall not be limited as to duration.

SECTION 15. The provisions of Section 5 of Article II shall not prohibit any member of the first state legislature from holding any office or position created during his first term.

SECTION 16. The first members of the judicial council shall, notwithstanding Section 8 of Article IV, be appointed for terms as follows: three attorney members for one, three, and five years respectively, and three non-attorney members for two, four, and six years respectively. The six members so appointed shall, in accordance with Section 5 of Article IV, submit to the governor nominations to fill the initial vacancies on the superior court and the supreme court, including the office of chief justice. After the initial vacancies on the superior and supreme courts are filled, the chief justice shall assume his seat on the judicial council.

SECTION 17. Until the courts provided for in Article IV are organized, the courts, their jurisdiction, and the judicial system shall remain as constituted on the date of admission unless otherwise provided by law. When the state courts are organized, new actions shall be commenced and filed therein, and all

causes, other than those under the jurisdiction of the United States, pending in the courts existing on the date of admission, shall be transferred to the proper state court as though commenced, filed, or lodged in those courts in the first instance, except as otherwise provided by law.

SECTION 18. The debts and liabilities of the Territory of Alaska shall be assumed and paid by the State, and debts owed to the Territory shall be collected by the State. Assets and records of the Territory shall become the property of the State.

SECTION 19. The first reapportionment of the house of representatives shall be made immediately following the official reporting of the 1960 decennial census, or after the first regular legislative session if the session occurs thereafter, notwithstanding the provision as to time contained in Section 3 of Article VI. All other provisions of Article VI shall apply in the first reapportionment.

SECTION 20. The capital of the State of Alaska shall be at Juneau.

SECTION 21. The seal of the Territory, substituting the word "State" for "Territory," shall be the seal of the State.

SECTION 22. The flag of the Territory shall be the flag of the State.

SECTION 23. Citizens who legally voted in the general election of November 4, 1924, and who meet the residence requirements for voting, shall be entitled to vote notwithstanding the provisions of Section 1 of Article V.

SECTION 24. Ordinance No. 1 on ratification of the constitution, Ordinance No. 2 on the Alaska-Tennessee Plan, and Ordinance No. 3 on the abolition of fish traps, adopted by the Alaska Constitutional Convention and appended to this constitution, shall be submitted to the voters and if ratified shall become effective as provided in each ordinance.

SECTION 25. This constitution shall take effect immediately upon the admission of Alaska into the Union as a state.

Agreed upon by the delegates in Constitutional Convention assembled at the University of Alaska, this fifth day of February, in the year of our Lord one thousand nine hundred and fifty-six, and of the Independence of the United States the one hundred and eightieth.

WM. A. EGAN
President of the Convention

R. ROLLAND ARMSTRONG
DOROTHY J. AWES
FRANK BARR
JOHN C. BOSWELL
SEABORN J. BUCKALEW, JR.
JOHN B. COGHILL
E. B. COLLINS
GEORGE D. COOPER
JOHN M. CROSS
EDWARD V. DAVIS
JAMES P. DOOGAN
TRUMAN C. EMBERG
HELEN FISCHER
VICTOR FISCHER
DOUGLAS GRAY
THOMAS C. HARRIS
JOHN S. HELLENTHAL
MILDRED R. HERMANN
HERB HILSCHER
JACK HINCKEL
JAMES HURLEY
MAURICE T. JOHNSON
YULE F. KILCHER
LEONARD H. KING
WILLIAM W. KNIGHT
W. W. LAWS
ELDOR R. LEE
MAYNARD D. LONDBORG
STEVE MCCUTCHEON
GEORGE M. MCLAUGHLIN
ROBERT J. MCNEALY
JOHN A. MCNESS
M. R. MARSTON
IRWIN L. METCALF
LESLIE NERLAND
JAMES NOLAN
KATHERINE D. NORDALE
FRANK PERATROVICH
CHRIS POULSEN
PETER L. READER
BURKE RILEY
RALPH J. RIVERS
VICTOR C. RIVERS
JOHN H. ROSSWOG
B. D. STEWART
W. O. SMITH
GEORGE SUNDBORG
DORA M. SWEENEY
WARREN A. TAYLOR
H. R. VANDERLEEST
M. J. WALSH
BARRIE M. WHITE
ADA B. WIEN

ATTEST:
THOMAS B. STEWART
Secretary of the Convention

STATE OF ALASKA

CHAPTER 64

AN ACT To organize the executive and administrative offices, departments and agencies of the state government; abolishing, consolidating, and creating certain departments, offices, boards and agencies; defining their powers and duties; providing for related matters of procedure, interpretation and construction of the Act; and providing for an effective date

(H.B. 114)

Be it enacted by the Legislature of the State of Alaska:

SECTION 1. SHORT TITLE. This Act shall be known and referred to as the State Organization Act of 1959.

SEC. 2. DEPARTMENTS AND OFFICES SPECIFIED. All the administrative powers and duties heretofore vested by law in the several territorial and state offices, departments, boards, commissions, bureaus, and other agencies shall be vested in the following principal departments and offices which are hereby created and established as follows:

1. Office of the Governor
2. Department of Administration
3. Department of Law
4. Department of Revenue
5. Department of Education
6. Department of Health and Welfare
7. Department of Labor
8. Department of Commerce
9. Department of Military Affairs
10. Department of Natural Resources
11. Department of Fish and Game
12. Department of Public Safety
13. Department of Public Works

SEC. 3. POWERS AND DUTIES OF HEADS OF DEPARTMENTS. All the powers and duties conferred by law and required to be performed by the several officers, departments, boards, commissions, bureaus, and other administrative agencies at the time of the passage of this Act shall hereafter be exercised, performed, and administered by the heads of the several departments herein specified.

Except as otherwise provided by this Act, the head of any state department may assign the functions vested in his department to such subordinate officers and employees as may to him seem desirable and, with the approval of the Governor, may establish within the department such divisions or other administrative or organization units as may seem in the interests of economy and efficiency and in accord with sound administrative principles and practices.

The head of each department is empowered to prescribe regulations, not inconsistent with law or the rules established by the Governor, for the administration of his department; the conduct of its employees; the distribution and performance of its business; and the custody, use, and preservation of the records, documents, and property pertaining thereto.

SEC. 4. SELECTION, QUALIFICATIONS, COMPENSATION AND TERMS OF OFFICE OF EXECUTIVE DEPARTMENT HEADS. The head of every principal executive department shall be appointed by the Governor subject to confirmation by a majority of the members of the Legislature in joint session, shall serve at the pleasure of the Governor notwithstanding their respective terms, and shall receive such compensation as may be fixed by law.

SEC. 5. DEPARTMENT STAFFS. The heads of departments, except as otherwise provided by this Act, may establish such subordinate positions as may be necessary and make appointments thereto and removals therefrom, within the limitations of the appropriations provided and subject to the provisions of state personnel laws. All appointees to such positions shall be under the supervision, direction, and control of the heads of the respective departments and shall perform such duties as department heads may prescribe.

SEC. 6. APPOINTMENT, QUALIFICATIONS, COMPENSATION, AND TERMS OF OFFICE OF MEMBERS OF DEPARTMENTAL BOARDS, COUNCILS OR COMMISSIONS. The term "board" wherever stated in this Act shall include councils and commissions and said terms are hereby declared to be used interchangeably insofar as substantive provisions are concerned.

The members of each appointive board established by this Act shall be citizens of the United States appointed by the Governor, subject to confirmation by a

majority of the members of the Legislature in joint session, on the basis of their interest in public affairs, their good judgment, their knowledge and ability in the field of action of the department for which appointed, and with a view to providing diversity of interest and points of view in the membership. Initial appointments of board members shall be, in the case of three-member boards, for one, two, and three years respectively; in the case of five-member boards, for one, two, three, four, and five years respectively; in the case of six-member boards, two members shall serve for one year, two for two years, and two for three years respectively; and in the case of eight-member boards, two members shall serve for one year, two for two years, two for three years, and two for four years respectively. Initial terms shall date from the first of February immediately preceding appointment. Thereafter, terms of board members shall be as hereinafter provided. Vacancies occurring during a term of office shall be filled in the same manner as the original appointment is made and for the balance of the unexpired term. Board members shall hold office at the pleasure of the Governor notwithstanding their respective terms. Members of boards may be compensated for their services at per diem rates to be determined by the Governor and may be reimbursed for actual and necessary expense incurred in connection with and as a result of their work as members of boards.

SEC. 7. OFFICE OF THE GOVERNOR. The Office of the Governor shall include the Secretary of State, the Budget Officer, and such staff as the Governor finds necessary to administer properly the executive powers of the State. The Secretary of State is hereby vested with the duties, powers, and responsibilities involved in administering state election laws, appointing all notaries public, and serving as custodian of the State Seal. The functions and authority heretofore performed and exercised by the Canvassing Board are hereby transferred to the Office of the Secretary of State.

There is hereby created an agency within the Governor's Office to be known as the Local Affairs Agency to be administered by a Director of Local Affairs. The Director will be appointed by and serve at the pleasure of the Governor. This agency is hereby vested with the duties, powers, and responsibilities involved in the administration of a state program to provide assistance to local communities, including but not limited to assistance in fiscal problems, incorporation and organization problems, legal matters, engineering, purchasing, planning, and the recruitment of technical and specialized personnel. The agency shall provide staff services for the Local Boundary Commission. The functions and authority heretofore performed and exercised by the Alaska Rural Development Board are hereby transferred to the Local Affairs Agency.

There is hereby further created within the Local Affairs Agency a Local Boundary Commission consisting of five members for overlapping five-year terms, one to be appointed from each of the four major Senatorial election districts and one from the State at large who will serve as chairman. The Local Boundary Commission is hereby vested with the duties, powers, and responsibilities involved in making studies of local government boundary problems, developing proposed standards and procedures for changing local boundary lines, holding hearings on proposed boundary changes, and in presenting its recommendations to the Legislature.

The Office of the Governor is hereby vested with duties, powers, and responsibilities involved in administration of the Alaska Pioneers' Home. The functions and authority heretofore performed and exercised by the Board of Trustees of the Alaska Pioneers' Home, and the Superintendent of the Alaska Pioneers' Home are hereby transferred to the Office of the Governor.

SEC. 8. DEPARTMENT OF ADMINISTRATION. There shall be a principal executive officer of the Department of Administration to be known as the Commissioner of Administration.

The Department of Administration is hereby vested with the duties, powers, and responsibilities involved in the preparation and execution of the executive budget, including a system of periodic allotments for the regulation of expenditures and making of surveys and studies for the purpose of improving administrative procedures, methods, and organization; in the keeping of general accounts, in the approval of vouchers and disbursement of funds for all purposes; in the operation of centralized purchasing and supply services, including the operation of such storerooms and warehouses as may be necessary; the allotment of space in the state buildings to the various departments according to their needs and the space available; the supervision of telephone, mailing, messenger, duplicating, and other like services adaptable to centralized manage-

ment; in the administration of a public employees' retirement system and a teachers' retirement system; and in the administration of a statewide personnel program, including such central personnel services as recruitment, examination, position classification, and pay administration.

The functions and authority heretofore performed and exercised by the Department of Finance; the Director of Finance; the Controller; the Treasurer (except those relating to the receipt, custody, investment and management of all state funds and the bounty program); the Board of Review; the Board of Examiners; the Finance Committee; the Military Department with respect to the Alaska Surplus Property Service; the Teachers' Retirement Board; and the Department of Public Welfare with respect to the distribution of surplus property are hereby transferred to the Department of Administration.

SEC. 9. DEPARTMENT OF LAW. There shall be a principal executive officer of the Department of Law to be known as the Attorney General.

The Department of Law is hereby vested with the duties, powers, and responsibilities involved in the administration of state legal services, including the furnishing of written legal opinions to the Governor, to the Legslature, and to all state officers and departments as the Governor may direct; the representation of the State in all civil actions in which the State is a party; the drafting of legal instruments for the State and the prosecution in court of all cases involving violations of state law, provided, however, the Department of Law shall undertake no prosecution of criminal actions until such time as the state judiciary has assumed jurisdiction over cases involving violations of state law. All functions and authority heretofore performed and exercised by the Attorney General and the Board of Commissioners for the Promotion of Uniform Legislation in the United States are hereby transferred to the Department of Law.

SEC. 10. DEPARTMENT OF REVENUE. There shall be a principal executive officer of the Department of Revenue to be known as the Commissioner of Revenue.

The Department of Revenue is hereby vested with the duties, powers, and responsibilities involved in the enforcement of all tax laws of the State, in the collection, accounting for, custody, investment, and management of all state funds and all revenues of the State except where such revenues are incidental to a program of licensing and regulation carried on by another state department. The Department shall register corporations, collect corporation franchise taxes, and register log and cattle brands; and it shall supply necessary clerical and administrative services for the Alcoholic Beverage Control Board. The functions and authority heretofore performed and exercised by the Department of Taxation, the Commissioner of Taxation; the Department of Finance, the Director of Finance, and the Treasurer, with respect to receipt, custody, investment and management of State funds; registering corporations, collecting the corporation franchise taxes, and registering cattle brands; and by the Department of Labor for registering log brands; and by the Bureau of Vital Statistics of the Department of Health with respect to issuance of and collection of fees for embalmers' licenses are hereby transferred to the Department of Revenue.

There is hereby established an Alcoholic Beverage Control Board in the Department of Revenue consisting of three members appointed for overlapping three-year terms; and the Board is hereby vested with the duties, powers, and responsibilities involved in the control of alcoholic beverages, including the promulgation of rules and regulations and the hearing of appeals from the action of officers and employees charged with enforcing the alcoholic beverage control laws, rules, and regulations. The functions and authority heretofore performed and exercised by the Board of Liquor Control are hereby transferred to the Alcoholic Beverage Control Board.

SEC. 11. DEPARTMENT OF EDUCATION. There shall be a principal executive officer of the Department of Education to be known as the Commissioner of Education.

The Department of Education is hereby vested with the duties, powers, and responsibilities involved in the administration of the State's program of education at the elementary and secondary levels, including programs of vocational education, vocational rehabilitation, library services, and correspondence courses; the administration of the Historical Library and Museum; and the planning, financing, and operation of all related school and educational activities and facilities except that nothing in this Act shall be construed to extend or enlarge the State's functions with respect to independent school systems now established by law.

The functions and authority heretofore performed and exercised by the Department of Education, the Board of Education, the Commissioner of Education;

the Historical Library and Museum Commission; the Department of Library Service, the Board of Library Service; the Textbook Commission; the Board of Vocational Rehabilitation; and the Board of Vocational Education are hereby transferred to the Department of Education.

There is hereby created within the Department of Education a Board of Education consisting of six members, appointed for overlapping three-year terms. The principal executive officer shall not be a member of the Board but shall be ex officio secretary and have the right to cast tie-breaking votes only. The Board members shall be appointed by the Governor without regard to political affiliation, subject to confirmation by a majority of the members of the Legislature in joint session. In the appointment of Board members, the Governor shall give consideration to recommendations made by recognized educational associations in the State.

The Governor shall appoint the Commissioner of Education from a list of qualified persons nominated by the Board of Education, subject to the right of the Governor to request additional nominations. The appointment shall be subject to confirmation by a majority of the members of the Legislature in joint session. The Commissioner of Education shall serve for a term of 5 years. In the event of a vacancy in the office of Commissioner of Education a successor shall be appointed, in the manner provided for the regular appointment, to fill the unexpired term.

The Board may submit a resolution to the Governor requesting the removal of the Commissioner. The resolution shall set forth the grounds for the request and the Governor shall afford the Commissioner and the Board an opportunity to be heard.

The Board of Education must confirm programming actions of the Commissioner of Education, except as hereinafter provided, but shall not have administrative, budgeting, or fiscal powers; and such administrative, budgeting, and fiscal power shall reside in the Commissioner of Education.

All rules and regulations shall originate with the Commissioner of Education, but shall not become effective until approved by a majority of the Board of Education. In the event the Board of Education fails to approve such rules or regulations, public hearings shall be held concerning the issues in question. If, subsequent to public hearings, the Board and the Commissioner continue to disagree, the issue shall be certified in writing by the Board and the Commissioner to the Governor who shall make a decision thereon, which decision shall be final.

Any provision of this Act to the contrary notwithstanding, the Board is hereby vested with the duties, powers, and responsibilities involved in reviewing, adopting, approving, and administering the plans for vocational education and vocational rehabilitation to be submitted to Federal authorities for the purpose of securing Federal aid.

SEC. 12. DEPARTMENT OF HEALTH AND WELFARE. There shall be a principal executive officer of the Department of Health and Welfare to be known as the Commissioner of Health and Welfare.

The Department of Health and Welfare is hereby vested with the duties, powers, and responsibilities involved in the administration of the state programs of public health and welfare, including, but not limited to, maternal and child health services; preventive medical services; public health nursing services; sanitation and engineering services; nutrition services; health education; laboratories; mental health treatment and diagnosis; management of state institutions; medical facilities; old age assistance; aid to dependent children; aid to the blind; child welfare services; general relief; licensing and supervision of child care facilities; and probation and parole supervision. The functions and authority heretofore performed and exercised by the Department of Health, the Board of Health, the Commissioner of Health; the Department of Public Welfare; the Board of Public Welfare, the Commissioner of Public Welfare; the Department of Juvenile Institutions; the Advisory Hospital Council; and the Water Pollution Control Board, are hereby transferred to the Department of Health and Welfare.

There is hereby created a Hospital Advisory Council consisting of five members appointed for overlapping five-year terms to advise and consult with the Commissioner of Health and Welfare with respect to programs for the construction of hospitals and medical facilities and the development of rules, regulations, and standards for the operation of hospitals. The Council shall have such addition necessary authority and powers relative to the foregoing as may be necessary for the purpose of securing Federal aid.

SEC. 13. DEPARTMENT OF LABOR. There shall be a principal executive officer of the Department of Labor to be known as the Commissioner of Labor.

The Department of Labor is hereby vested with the duties, powers, and responsibilities involved in the enforcement of laws, and in the promulgation of rules and regulations under such laws, concerned with employer-employee relationships, including the safety, hours of work, wages, and conditions of workers, including women and children; the accumulation, analysis, and reporting of labor statistics; and the operation of systems of workmen's compensation and unemployment insurance. The functions and authority heretofore performed and exercised by the Employment Security Commission, the Director of Employment Security, the Alaska Territorial Employment Service, the Territorial Advisory Council, the Alaska Safety Council and Executive Board and the Safety Director; the Department of Labor, the Commissioner of Labor, the Alaska Industrial Board; and the Board for the Care of Sick and Disabled Fishermen are hereby transferred to the Department of Labor.

There is hereby created within the Department of Labor an Employment Security Advisory Council consisting of five members appointed by the Governor for overlapping five-year terms, two members to represent employers, two to represent employees, and one to represent the general public.

SEC. 14. DEPARTMENT OF COMMERCE. There shall be a principal executive officer of the Department of Commerce to be known as the Commissioner of Commerce.

The Department of Commerce is hereby vested with the duties, powers and responsibilities involved in the administration of the state programs relating to commerce and in the enforcement of laws relating thereto, including the promulgation of rules and regulations under such laws; the accumulation, analysis, and reporting of commercial and industrial statistics; and the enforcement of state laws regulating public utilities and other public service enterprises, banking and securities, insurance, and other businesses and enterprises touched with a public interest. The Department is also hereby vested with the duties, powers and responsibilities involved in making veterans loans; the inspection of weights and measures; the promotion and development of civil aviation; and the furnishing of the budgeting, clerical and administrative services for regulatory agencies and professional and occupational licensing boards not otherwise provided for in this Act. The functions and authority heretofore performed and exercised by the Alaska World War II Veterans' Board, the Commissioner of Veterans' Affairs, and the Veterans' Service Council; the Alaska Housing authority; the Weights and Measures Division of the Department of Territorial Police, the Inspector of Weights and Measures; the Alaska Insurance Commission and the Commissioner of Insurance; the Territorial Banking Board; the Alaska Real Estate Commission; and the Board of Administration with respect to industrial tax incentives are hereby transferred to the Department of Commerce.

There is hereby created within the Department of Commerce an Alaska State Housing Authority consisting of three members appointed for overlapping three-year terms; and the corporate status heretofore vested in the Alaska Housing Authority together with all its rights, duties, powers, functions, assets, liabilities, debts and claims is hereby transferred to the Alaska State Housing Authority.

SEC. 15. DEPARTMENT OF MILITARY AFFAIRS. There shall be a principal executive officer of the Department of Military Affairs to be known as the Adjutant General.

The Department of Military Affairs is hereby vested with the duties, powers, and responsibilities involved in the conduct of military affairs of the State as prescribed by the Military Code of Alaska. The functions and authority heretofore performed and exercised by the Military Department and the Adjutant General, except those relating to the Alaska Surplus Property Service, are hereby transferred to the Department of Military Affairs.

SEC. 16. DEPARTMENT OF NATURAL RESOURCES. There shall be a principal executive officer to be known as the Commissioner of Natural Resources.

The Department of Natural Resources is hereby vested with the duties, powers, and responsibilities involved in the administration of the entire State program for the conservation and development of the State's natural resources including tourism, forests, parks and recreational areas, lands, waters, agriculture, soil conservation and minerals including petroleum and natural gas; but excluding commercial fisheries, sport fish, game, and fur-bearing animals in their natural

state. The functions and authority heretofore performed and exercised by the Department of Lands, the Land Board, and the Director of Lands; by the Department of Mines, the Commissioner of Mines, the Coal Miners' Examining Board, and the Oil and Gas Conservation Commission; and by the Alaska Resource Development Board and its Executive Director; the Soil Conservation Board, by the Department of Agriculture, and by the Commissioner of Agriculture, except those relating to public health, are hereby transferred to the Department of Natural Resources.

SEC. 17. DEPARTMENT OF FISH AND GAME. There shall be a principal executive officer of the Department of Fish and Game to be known as the Commissioner of Fish and Game.

The Department of Fish and Game is hereby vested with the duties, powers, and responsibilities involved in the administration of the entire State program for the conservation and development of the State's commercial fisheries, sport fish, birds, game and fur-bearing animals. The functions and authority heretofore performed and exercised by the Alaska Department of Fish and Game, the Alaska Fish and Game Commission, the Director of the Alaska Department of Fish and Game, the Fisheries Experimental Commission, and the Treasurer with respect to bounty programs are hereby transferred to the Department of Fish and Game.

There is hereby created a Board of Fish and Game consisting of eight members, appointed for overlapping four-year terms. The principal executive officer shall not be a member of the Board but shall be ex-officio secretary and have the right to cast tie-breaking votes only. The Board members shall be appointed by the Governor and confirmed by the Legislature without regard to political affiliation.

The Governor shall appoint the Commissioner of Fish and Game from a list of qualified persons nominated by the Board of Fish and Game, subject to the right of the Governor to request additional nominations. The appointment shall be subject to confirmation by a majority of the members of the Legislature in joint session. The Commissioner of Fish and Game shall serve for a term of 5 years. In the event of a vacancy in the office of Commissioner of Fish and Game a successor shall be appointed, in the manner provided for the regular appointment, to fill the unexpired term.

The Board may submit a resolution to the Governor requesting the removal of the Commissioner. The resolution shall set forth the grounds for the request and the Governor shall afford the Commissioner and the Board an opportunity to be heard.

The Board of Fish and Game shall have rule-making powers, as hereinafter provided, but shall not have administrative, budgeting, or fiscal powers and such administrative, budgeting and fiscal power shall reside in the Commissioner of Fish and Game. The Board may meet at any time on the call of the Commissioner or at request of any two of the members.

The Board of Fish and Game shall have the authority to make such rules and regulations as it deems advisable for (1) the setting apart of fish and game reserve areas, refuges and sanctuaries in any of the waters or on any of the lands of Alaska over which it has jurisdiction, subject to approval by the Legislature; (2) establishing open and closed seasons and areas for fish and game; (3) establishing the means and methods employed in the pursuit, capture, and transport of fish and game; and (4) setting quotas and bag limits on the taking of fish and game. In the event of a conflict between the Board and the Commissioner on proposed rules and regulations, public hearings shall be held concerning the issues in question. If, subsequent to the public hearings, the Board and the Commissioner continue to disagree, the issue shall be certified in writing by the Board and the Commissioner to the Governor who shall make a decision, which decision shall be final.

The Board shall authorize the Commissioner to promulgate during such times as the Board is not in session, emergency rules or regulations as may be necessary and within the scope of authority of the Board.

SEC. 18. DEPARTMENT OF PUBLIC SAFETY. There shall be a principal executive officer of the Department of Public Safety to be known as the Commissioner of Public Safety.

The State Department of Public Safety is hereby vested with the duties, powers, and responsibilities involved in administering functions relative to the protection of life and property. The functions and authority heretofore performed and exercised by the Department of Territorial Police, except those

having to do with weights and measures inspection; by the Police Commission; by the Superintendent of Police; by the Fire Marshal; and by the Department of Civil Defense are hereby transferred to the Department of Public Safety.

SEC. 19. DEPARTMENT OF PUBLIC WORKS. There shall be a principal executive officer of the Department of Public Works to be known as the Commissioner of Public Works.

The Department of Public Works is hereby vested with the duties, powers, and responsibilities involved in the construction, maintenance, and operation of all state highways, ferries, roads, bridges, traffic signs and signals, airports, docks, floats, breakwaters, buildings and other like facilities; and in the supervision and maintenance of all state equipment, including aircraft, vessels, and automotive and mechanical equipment. The functions and authority heretofore performed and exercised by the Alaska Highway and Public Works Department, the Alaska Highway and Public Works Board, and the Alaska Highway and Public Works Commissioner; by the Department of Aviation, the Aeronautics and Communications Commission, the Director of Aeronautics, and the Supervisor of Communications with respect to the construction, maintenance, and operation of airports and the installation, maintenance, and operation of communications equipment; by the Department of Finance relating to the management, care, and custody of buildings; and by the Board of Education relating to the construction and maintenance of school buildings are hereby transferred to the Department of Public Works.

SEC. 20. INTERIM BOARDS. The Governor shall have the authority to establish such interim advisory boards as he may deem necessary, prescribe their functions, authority, and compensation; provided, however, no interim board shall remain in existence for a term extending beyond the next regular or reconvened session of the Legislature.

SEC. 21. TRANSFER OF FUNCTIONS. Any department to which the functions, powers, and duties of a previously existing department or other agency are by this Act assigned and transferred shall, for the purpose of succession to all rights, powers, duties, and obligations of the former department or agency be deemed and held to constitute a continuation of the former department or agency, with the same force and effect as if the functions, powers, and duties had not been assigned or transferred. Whenever any such former agency is referred to by law, contract, or document, such reference shall be deemed to apply to the department in which the functions of such agency are vested by the terms of this Act.

SEC. 22. TRANSFER OF RECORDS AND EQUIPMENT. Upon the transfer of functions as provided by this Act, all contracts, books, papers, maps, plans, documents, property, and pending business theretofore made, used, acquired, or conducted by any previously existing agency in the exercise of the functions transferred shall be transferred to the department succeeding to such functions.

SEC. 23. TRANSFER OF OFFICERS AND EMPLOYEES. All officers and employees whose functions are transferred by this Act from an existing department or agency to a different department created or continued by the terms of this Act shall be transferred with their functions to the department in which their functions, or a major part thereof, are hereby vested, and shall so far as practicable continue to perform their usual duties, subject to the provisions of state personnel laws. The head of each department, in the interest of improved departmental management and subject to the provisions of the state personnel laws and the approval of the Commissioner of Administration, shall have the power to abolish unnecessary offices and positions, to transfer officers and employees between positions, and to change the duties, titles, and compensation of existing offices and positions.

SEC. 24. PROSECUTIONS AND CIVIL ACTIONS. No offense committed and no penalty or forfeiture incurred under any of the acts hereby repealed, before the time when this Act shall take effect, shall be affected by the Act except that whenever any punishment, penalty, or forfeiture shall be mitigated by the provisions of this Act, such provision may be extended and applied to any judgment to be pronounced after the passage of this Act. No suit or prosecution pending at the time this Act takes effect shall be affected by this Act except that proceedings in such cases shall be made to conform as necessary to the provisions of this Act. The right of administrative officers to institute proceedings for prosecution for an offense or an action to recover a penalty or forfeiture, as now or hereafter provided by law for any agency or officer, shall henceforth be vested in the head of the department or some person designated by him or as may be directed by law.

SEC. 25. OATHS OF OFFICE. Department heads and members of boards provided for in this Act shall, before entering upon the duties of their respective offices, take, subscribe to, and file an oath of office as is required by the Constitution.

SEC. 26. SURETY BONDS. Heads of departments and subordinate officials shall furnish corporate surety bonds in such instances and in such amounts as required by law or otherwise determined by the Governor upon recommendation of the Commissioner of Administration. Such bonds shall be paid for by the States and shall be in such form as the Attorney General shall approve.

SEC. 27. AGENCIES AND OFFICES ABOLISHED. The agencies and offices hereinafter named are hereby abolished.

The Department of Finance, the Director of Finance, the Budget Officer, and the Controller; the Treasurer; the Board of Administration; the Board of Review; the Finance Committee of Alaska; the Board of Examiners; the Attorney General; the Board of Commissioners for the Promotion of Uniform Legislation; the Canvassing Board; the Department of Taxation and the Commissioner of Taxation; the Board of Liquor Control; the Department of Education, the Board of Education, the Board of Vocational Rehabilitation, the Board of Vocational Education, the Teachers' Retirement Board, the Commissioner of Education, and the Textbook Commission; the Alaska Office of Vocational Rehabilitation and the Director; the Alaska Office of Vocational Education; the Historical Library and Museum Commission and the Librarian and Curator; the Department of Library Service, the Board of Library Service, and the Librarian; the Department of Public Welfare, the Board of Public Welfare, and the Commissioner of Public Welfare; the Board of Trustees of Alaska Pioneers' Home and the Superintendent of the Pioneers' Home; the Board for the Care of Sick and Disabled Fishermen; the Alaska Department of Health, the Board of Health, and the Commissioner of Health; the Water Pollution Control Board; the Hospital Advisory Council; the Board of Juvenile Institutions; the Employment Security Commission, the Employment Security Director, the Alaska Territorial Employment Service, and the Territorial Advisory Council; the Alaska Industrial Board; the Department of Labor and the Commissioner of Labor; the Veterans' Service Council, the Alaska World War II Veterans' Board and the Commissioner of Veterans' Affairs; the Agricultural Loan Board; the Territorial Banking Board; the Alaska Insurance Commission and the Commissioner of Insurance; the Anti-Monopoly Board; the Alaska Bus Transportation Commission; the Alaska Safety Council and Executive Board, and the Safety Director; the Alaska Rural Development Board; the Alaska Real Estate Commission; the Alaska Housing Authority and the Commissioners of the Authority; the Military Department, the Adjutant General, and the Alaska Surplus Property Service; the Department of Agriculture and the Commissioner of Agriculture; the Conservation Advisory Committee; the Alaska Soil Conservation Board; the Department of Mines and the Commissioner of Mines; the Alaska Ingot Examining Board; the Alaska Fish and Game Department, the Alaska Fish and Game Commission, and the Director of Fish and Game; the Fisheries Experimental Commission; the Alaska Resource Development Board and its Executive Director; the Alaska Oil and Gas Conservation Commission; the Department of Lands, the Alaska Land Board, and the Director of the Department of Lands; the Department of Territorial Police, the Police Commissioner, the Superintendent of Police, the Fire Marshal, and the Inspector of Weights and Measures; the Coal Miners' Examining Board; the Department of Civil Defense, the Civil Defense Council, the Director of Civil Defense, and the Deputy Director of Civil Defense; the Alaska Highway and Public Works Department, the Alaska Highway and Public Works Board, and the Alaska Public Works Commissioner; and the Aeronautics and Communications Commission, the Director of Aeronautics, and the Supervisor of Communications.

SEC. 28. APPEALS. The right of appeal to a court of competent jurisdiction as provided by law shall not be abridged or impaired by the passage of this Act or by any ruling, decision, or order made by any officer or agency.

SEC. 29. CONSTRUCTION. This Act shall be liberally construed in aid of its declared purpose, which is the organization of the departments, offices, and other administrative agencies of the State to provide a unified, integrated, and comprehensive plan of organization for the exercise of all executive and administrative functions of the State. The omission in this Act of any citation of any law which makes it mandatory upon or permissive for any department, division, or other agency to perform functions which by this Act are assigned or transferred and placed in the hands of any other department shall not sus-

pend or annul the right of such department created by this Act to carry out such functions where the obvious intent was for such department to do so. Any administrative functions established by law that may not be specifically enumerated in this Act shall be assigned by the Governor to that department which, in accordance with the purpose of this Act, can most appropriately and effectively perform such activity.

SEC. 30. REPEAL OF CONFLICTING LAWS. All laws and parts of laws in conflict herewith are repealed to the extent of such conflict.

SEC. 31. SUBSEQUENT LEGISLATION. The provisions of this Act shall not be superseded or modified by any subsequent legislation, except to the extent that such legislation shall do so expressly.

SEC. 32. SEPARABILITY. The fact that any section, subsection, sentence, clause, or phrase of this Act is declared invalid for any reason shall not affect the remaining portion of this Act.

SEC. 33. EFFECTIVE DATE OF ACT. This Act shall take effect upon its passage and approval or upon becoming law without such approval, but in order that there be no interruption of the administrative business of the State, the Governor may, for a period not to exceed 6 months, postpone the actual transfer of all or a portion of the functions from existing departments and agencies to other departments and agencies until such time as the organization herein provided can be put into full force and effect. Except as otherwise provided, all officers and heads of existing departments, their subordinates and employees, whose functions and duties are preserved by this Act, shall continue to perform the same from the time this Act takes effect in like manner as though they had been appointed or employed after the passage of this Act until successors to said functions and duties are appointed and qualified.

Approved April 3, 1959.

STATE OF ALASKA

CHAPTER 122

AN ACT Relating to the Department of Natural Resources; repealing Ch. 180, SLA 1955, as amended by Ch. 152, SLA 1957, and Ch. 107, SLA 1951, as amended by Ch. 127, SLA 1953, as amended by Ch. 82 and Ch. 168, SLA 1955, as amended by Ch. 91, SLA 1957; and providing for an effective date

(C.S.S.B. 63)

Be it enacted by the Legislature of the State of Alaska:

SECTION 1. FINDINGS AND DECLARATION OF PURPOSE. The legislature hereby finds that maximum use and development of the natural resources of Alaska, including the promotion of the tourist industry, can best be furthered by the activities of a public agency charged with the development of all the industries and resources of the state; and that the responsibility of so fostering the development of Alaska resources, natural and industrial, should, as nearly as possible, be vested in a single department of the executive branch of the government.

SEC. 2. The Department of Natural Resources is hereby authorized, in addition to its functions as otherwise provided by law, to perform the following powers and duties:

(1) To formulate a continuing program for basic economic development, and for necessary promotion and research, which will advance the purposes of this Act, and to issue annual public reports on the status of the program;

(2) To review annual reports of other departments and agencies of the executive branch as they may be related to resource development in the state and to prepare an integrated report related to the long range development program, which report shall be submitted to the Governor annually for his use in reporting to the Legislature;

(3) To take necessary and proper action, with the approval of the Governor, to achieve a balanced program for the development of the natural resources of the state as a whole;

(4) To facilitate inter-agency cooperation, coordination, and efficiency, in the execution of development programs and in the conduct of economic research, statistical services, and the dissemination of information.

(5) To make inquiries, investigations, and surveys concerning the resources of the state and their development possibilities, and to assemble, analyze, evaluate, and disseminate the data and findings obtained;

(6) To call upon the University of Alaska and other appropriate institutions of higher learning or private institutions or persons for cooperation

in research and investigations conducted by the Department, and to provide reasonable compensation for such work;

(7) To enter into such contracts, undertakings, memoranda, and cooperative agreements, as may facilitate the administration of the division and promote the policy and purpose of this Act;

(8) To apply for and accept from the federal government, its agencies, or other public or private sources, gifts, grants, or other aids made available for the purposes of this Act, which gifts, grants, or other aids received may be used subject to any reasonable limitations imposed by the grantors;

(9) To make continuing study of federal and state laws and activities which relate to state economic development, and to recommend suitable legislation or other action to the legislature, the Congress of the United States, or the responsible state or federal executive departments or agencies to accomplish the purposes of this Act;

(10) To assist local governmental units in planning and development programs;

(11) To enter into authorized interstate compacts;

(12) To expend funds for the purpose of promoting and publicizing the state's tourist attractions, including but not limited to display advertising space in magazines and newspapers of Alaska, the United States or Canada, the printing of pamphlets, booklets, folders and other graphic and pictorial publicity material, designing and production costs in the preparation of such advertising and materials; other supplies and materials needed to answer inquiries concerning Alaska and its attractions; designing and production costs of travel show materials and displays; distribution costs of such pamphlets, booklets, folders, other graphic and pictorial publicity, literature, travel show materials and displays; surveys relating to advertising media effectiveness and to tourism, for the purpose of promoting and developing the Alaska tourist industry and advertising and publicizing Alaska's tourist attractions;

(13) To make rules and regulations to carry out the purposes of this Act;

(14) To keep records of all contracts, documents, rules, regulations, orders, and official acts hereunder; and

(15) To do all other acts and things necessary or proper to carry out the purposes of this Act.

SEC. 6. The Commissioner of Natural Resources is hereby authorized with the approval of the Governor, to establish within the Department of Natural Resources such divisions or other administrative or organizational units as he may determine necessary to carry out the functions of this Act.

SEC. 7. REPEAL AND TRANSFER OF PROPERTY. Ch. 180, SLA 1955, as amended by Ch. 152, SLA 1957, and Ch. 107, SLA 1951, as amended by Ch. 127, SLA 1953, as amended by Ch. 82, and Ch. 168, SLA 1955, as amended by Ch. 91, SLA 1957, are hereby repealed. All records, equipment, and other property of the Resource Development Board, as it existed under the provisions of law repealed herein, are hereby transferred to the Department of Natural Resources.

SEC. 8. EFFECTIVE DATE. This Act shall take effect July 1, 1959.

Approved April 27, 1959.

STATE OF ALASKA

CHAPTER 169

AN ACT Relating to Alaska lands and resources; establishing a Division of Lands within the Department of Natural Resources, the office of Land Director, and prescribing duties and powers; providing for the selection, acquisition, management, and disposal of Alaska lands and resources; repealing Ch. 189, SLA 1955 and Ch. 184, SLA 1957; and providing an effective date

(S.C.S.S.B. 77)

Be it enacted by the Legislature of the State of Alaska:

PREAMBLE

It is the policy of Alaska to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

ARTICLE I. TITLE AND DEFINITIONS

SECTION 1. SHORT TITLE. This Act shall be known as the "Alaska Land Act".

SEC. 2. DEFINITIONS. For the purpose of this Act, the term defined shall have the meaning provided herein unless the context clearly requires otherwise:

(a) "Alaska" means the State of Alaska.

(b) "Alaska Lands" or "Lands" means all lands, including shore, tide and submerged lands, or resources belonging to or hereafter in any manner acquired by Alaska.

(c) "Agricultural Lands" and "Grazing Lands" means all lands chiefly valuable for agriculture or grazing purposes.

(d) "Commissioner" means the Commissioner of the Department of Natural Resources.

(e) "Director" means the Director of the Division of Lands of the Department of Natural Resources.

(f) "Department" means the Department of Natural Resources.

(g) "Industrial and Commercial Lands" means all Alaska lands chiefly valuable for industrial trade, manufacturing or business use.

(h) "Lieu and Indemnity Lands" means lands which Alaska is entitled to or has selected under the provisions of 38 Stat. 1214, as amended (48 U.S.C. 353) or under any other similar statute to compensate for lands in lieu of surveyed rectangulars, which have been lost to Alaska by reason of deficient sections, prior rights, claims, withdrawals, reservations and other appropriations.

(i) "Mental Health Lands" means lands granted under the provisions of Title III, Section 2 (2) of Public Law 830, 84th Congress, 2d Session as heretofore or hereafter amended.

(j) "Mineral Lands" means lands prospectively valuable for mineral deposits.

(k) "Acquired Lands" means lands belonging to Alaska which have been obtained by escheat, purchase, or any means other than by general land grants including tide, submerged and shore lands.

(l) "Park and Recreation Lands" means lands chiefly valuable for public park and recreation use.

(m) "School Lands" means all Sections 16 and 36 of surveyed rectangulars reserved to Alaska under the provisions of 38 Stat. 1214, as amended (48 U.S.C. 353), and any other lands which may be hereafter designated solely for school revenues.

(n) "Shore Lands" means all lands belonging to Alaska which are covered by nontidal waters that are navigable under the laws of the United States up to ordinary high water mark as heretofore or hereafter modified by accretion, erosion, or reliction.

(o) "Submerged Lands" means those lands covered by tidal waters between the line of mean low water and seaward to a distance of three geographical miles or further as may hereafter be properly claimed by the State.

(p) "Tide Lands" means those lands which are periodically covered by tidal waters between the elevation of mean high and mean low tides.

(q) "Timber Lands" and "Material Lands" means all Alaska lands chiefly valuable for materials, including, but not limited to, sand, stone, gravel, pumice, common clay, or timber and other forest products.

(r) "University Lands" means all Sections 33 reserved to the University under 38 Stat. 1214, as amended (48 U.S.C. 353) and all lands reserved for the benefit of the University.

ARTICLE II. ORGANIZATION, AUTHORITY AND DUTY

SECTION 1. DIVISION OF LANDS. The Division of Lands created and established under the Department of Natural Resources shall be under the control and supervision of the Commissioner. Administrative powers and other delegated duties, as prescribed by law or regulation, shall be vested in the Director.

SEC. 2. APPOINTMENT OF DIRECTOR. The Commissioner shall appoint a Director who shall be the executive officer of the Division of Lands.

SEC. 3. DIRECTOR SERVES AT PLEASURE OF COMMISSIONERS. The Director shall serve at the pleasure of the Commissioner.

SEC. 4. AUTHORITY AND DUTIES OF THE COMMISSIONER.

(1) The Land Division shall be administered under the supervision of the Commissioner.

(2) The Commissioner, upon recommendation of the Director or otherwise, may establish reasonable procedures and make and promulgate reasonable rules and regulations necessary to carry on the provisions of this Act and may, whenever necessary, issue directives or orders to the Director to carry out specific functions and duties. All rules and regulations promulgated by the Commissioner shall be adopted pursuant to the Administrative Procedures Act.

(3) The Commissioner may enter into such contractual agreements as he deems necessary to carry out the purposes of this Act, including agreements with Federal and State agencies.

(4) The Commissioner shall have the authority to review any order or action of the Director.

(5) The Commissioner may exercise all those powers and do all those acts necessary to carry out the provisions and objectives of this Act.

SEC. 5. POWERS AND DUTIES OF THE DIRECTOR. The Director shall:

(1) Have general charge and supervision of the Division and may exercise the powers specifically delegated to him. He may employ and fix the compensation of such assistants and employees as are necessary for the operations of the Division. He shall also be the certifying officer of the Division, with the consent of the Commissioner, and may approve all lawful vouchers for disbursement of monies appropriated to the Division.

(2) Manage, inspect and control all Alaska lands and improvements thereon belonging to Alaska and under the jurisdiction of the Division.

(3) Execute all laws, rules, regulations and orders as are properly promulgated by the Commissioner.

(4) Prescribe application procedures and practices relative to the sale, lease or other disposition of available lands, resources, property, or interest therein.

(5) Prescribe fees or service charges, with the consent of the Commissioner, for any public service rendered.

(6) Under the conditions and limitations imposed by law and the Commissioner, issue any deed, lease or other conveyance disposing of available lands, resources, property or any interests therein.

(7) Have jurisdiction over all Alaska lands, except those lands which are acquired by the Alaska World War II Veterans Board and the Agricultural Loan Board or the departments or agencies succeeding to their respective functions through foreclose or default. To this end the Director shall possess all of the powers and, with the approval of the Commissioner, perform all of the duties necessary to protect Alaska's rights and interest therein, including the taking of all necessary action, legal or otherwise, to protect and enforce Alaska's contractual or other property rights.

(8) Administer the Alaska Land Registration Acts, Ch. 134, SLA 1953, and Ch. 135, SLA 1955, as amended by Ch. 17, SLA 1957, and as may be amended hereafter, and do all acts necessary thereunder that will insure collection of all registration fees and penalties that may arise.

(9) Maintain such records as the Commissioner may deem necessary, administer oaths, and do all things incidental to the authority imposed.

(10) Account for all fees, licenses, taxes or other monies received in the administration of the Act from any source including the sale or leasing of any land, identify their source, and promptly transmit them to the proper fiscal department after crediting them to the proper fund.

(11) May select and employ or obtain at reasonable compensation cadastral, appraisal, or other professional personnel he deems necessary for the proper operations of the Division.

(12) Shall be the certifying agent of Alaska to select, accept and secure by any necessary action in the name of Alaska, by deed, sale, gift, devise, judgment, operation of law, or any other means any lands, of whatever nature or interest, available to Alaska, and shall be the certifying agent of Alaska, to select, accept or secure by any necessary action in the name of Alaska any lands, or any title or interest thereto, available, granted, or subject to being transferred to Alaska for any purpose.

(13) Is charged with selection, administration and disposal of mental health lands for the support of the mental health program.

(14) When he finds that the interests of Alaska will be best served, he may, with the consent of the Commissioner, approve all contracts respecting the sale, lease, or other disposal of available lands, resources, property or any interests therein, and in addition to the conditions and limitations

imposed by law, he may impose any additional conditions or limitations in such contracts as he, with the consent of the Commissioner, determines will best serve the interests of Alaska. No contract respecting the sale, lease, or other disposal of available lands or any interest therein, shall be legally binding on Alaska until the Commissioner has formally recorded his consent to any contract; provided, however, if the appraised value is not greater than $10,000.00 in the case of the sale of any land or an therein, the Director may approve and issue such contracts without the interest therein, or $1,000.00 in the case of the rental of any land or interest therein, the Director may approve and issue such contracts without the consent or approval of the Commissioner being necessary. Nor shall this subsection apply to other exceptions set forth in this Act.

(15) The Director may delegate any of the administrative duties, functions or powers imposed upon him to any responsible employee within the Division.

SEC. 6. DIRECTOR SHALL BE BONDED. Prior to entering upon the performance of his duties, the Director shall execute a corporate surety bond to Alaska in the sum of $150,000.00 conditioned among other things upon the faithful performance of his duties under this Act and upon the prompt and faithful accounting of all monies collected by him or his deputies, assistants, employees or agents. The said bond, together with any additional conditions or limitations as may be deemed necessary, shall be approved by the Attorney General and filed in the office of the Governor. The premium upon said bond shall be payable from such monies as may be appropriated for operation of the Division.

ARTICLE III. GENERAL

SECTION 1. CLASSIFICATION. The Director shall make a preliminary classification for surface use of all lands in areas where he deems it necessary and proper for future development. Such classification, together with a land use plan, shall be transmitted to the Commissioner for his approval, modification or rejection. Nothing herein shall prevent reclassification of any lands where the public interest warrants such action, nor preclude multiple purpose use of all lands whenever the different uses are compatible. No Alaska land, water, or land and water area shall, except by act of the State Legislature, be (1) withdrawn from settlement, location, sale or entry; (2) reserved for special use; or (3) restricted from operation of the mining and mineral leasing provisions of this Act, if the area involved in such withdrawal, reservation, or restriction exceeds in the aggregate 640 acres.

SEC. 2. REVIEW. Except for land disposed of under the provisions of Sections 4, 5 and 6 of this Article, no land within or adjacent to an incorporated municipality or other organized community may be sold or leased, or a renewal lease issued, until the proposed use of the land has been studied and reviewed jointly by the Director and local authorized planning agencies.

SEC. 3. NOTICE AND APPRAISAL. No lands shall be sold or leased, or a renewal lease issued, without public notice as provided hereafter, unless the same, except in the case of an oil or gas or mineral lease, has been appraised within ninety days prior to the date fixed for the sale or leasing, provided that when lands have been offered at public sale but were not sold and are available at private sale, no reappraisal is required unless the Director deems that a change in value of the lands may have occurred. No such lands shall be sold or leased for less than the approved, appraised market value, except as provided in Sections 4 and 5 of this Article.

SEC. 4. PUBLIC USE. The lease, sale, or other disposal of any Alaska lands or resources may be made to any Alaska or Federal agency or political subdivision for less than the appraised value, as may be determined by the Director and approved by the Commissioner, to be fair and proper and in the best interests of the public, with due consideration being given to the nature of the public services or function rendered by the said agency or subdivision making aplication therefor, and of the terms of the grant under which the land was acquired by Alaska.

SEC. 5. OCCUPIED TIDE LANDS AND SUBMERGED LANDS.

(1) It is the policy of the State to allow preference rights as hereinafter defined for the acquisition of tide lands and submerged lands occupied or developed for municipal business, residential or other beneficial purposes on and prior to the date of admission of Alaska into the Union, provided,

nothing herein shall be construed as vesting any right in any person to acquire such lands until a conveyance from this State is delivered to the grantee.

(2) For the purposes of this section the following terms shall have the meanings stated herein except as otherwise required by the context in which used:

a. "Occupant" means any person, as defined herein, or his successor in interest, who actually occupied for any business, residential or other beneficial purpose, tide lands, or tide lands and submerged lands contiguous thereto, within the State, on and prior to January 3, 1959, with substantial permanent improvements. The holder of a permit or clearance in respect to interference of navigation, or of a special use permit from a government agency will not qualify as an "occupant" unless such entry on the land had, through exercise of reasonable diligence, resulted in actual occupancy and substantial permanent improvements as hereinabove mentioned. No person shall be considered an occupant by reason of having (1) placed a fish trap in position for operation or upon the tide or submerged land for storage, (2) placed a set net or piling therefor or any other device or facility for taking of fish, (3) placed pilings or dolphins for log storage or other moorage, (4) placed floats or vessels upon the tide or submerged land, (5) placed telephone, power or other transmission facilities, roads, trails or other improvements not requiring exclusive use or possession of tide or submerged lands, or (6) claimed the land by virtue of some form of constructive occupancy. Where land is occupied by a person other than the owner of the improvements thereon, the owner of the improvements shall, for the purposes of this section, be considered the occupant of such lands.

b. "Person" means any person, firm, corporation, cooperative association, partnership or other entity legally capable of owning land or an interest therein.

c. "Preference right", subject to the classifications thereof established in this section, means and includes the right of an occupant to acquire, by lease, purchase, or otherwise, at the election of the occupant, except as otherwise limited or prescribed in this Act, any tract or tracts of tide land, or tide land and submerged land contiguous thereto, occupied or developed by such occupant on and prior to January 3, 1959.

d. "Occupied or developed" means the actual use, occupancy and control of tide lands or submerged land by the establishment thereon of substantial permanent improvements other than those uses, facilities and improvements not qualifying a person to be an occupant.

e. "Class I preference right" means the right of any occupant to acquire tide lands and submerged lands for a consideration not in excess of the costs of surveying, transferring and conveying the title thereto.

f. "Class II preference right" means the right to acquire tide or submerged lands as defined in Public Law 85–303 (71 Stat. 623) for a consideration not in excess of the costs of surveying, transferring and conveying the title thereto.

g. "Class III preference right" means the right of any occupant to acquire tide lands and submerged lands for a consideration not in excess of the cost of appraisal, administration and transfer plus the appraised fair market value thereof, exclusive of any value accruing from improvements or development, such as fill material, buildings or structures thereon, by such occupant or his predecessor in interest or reflecting equities of the occupant.

(3) a. Any municipal corporation incorporated on or before January 3, 1959, may apply, in the manner prescribed by the Director, within three years from the date of determination by regulation as being the first date upon which applications will be accepted by the Director, for a conveyance to such corporation of all lands seaward of such municipal corporation which are between the mean high tide line in, or forming the boundary of, such corporation, and a line to be shown on a plat made a part of such application which shall be the pierhead line established under the Act of September 7, 1957, or the harbor line established under the Act of March 3, 1899, or if no such pierhead or harbor line has been established, then a line subject to approval by the Director, with the concurrance of the Commissioner, which shall be seaward of all tide lands and submerged lands occupied or suitable for occupation and development without unreasonable inter-

ference with navigation. It shall be mandatory for the Director to convey such tide and submerged lands to such municipal corporations.

b. Each municipal corporation granted such conveyance shall prepare an official subdivision plat of the area conveyed showing all structures and improvement thereon and the boundaries of each tract occupied or developed, together with the name of the owner or claimant thereof. Such subdivisional plat shall include within the boundaries of each tract occupied or developed such surrounding tide and submerged lands as shall be reasonably necessary in the opinion of the governing body of such municipal corporation for the use and enjoyment of the structures and improvements thereon by the owner or claimant, but shall not include any tide or submerged lands which if granted to such occupant would unjustly deprive any occupant of adjoining lands from his reasonable use and enjoyment thereof.

c. Any occupant of land included in such conveyance to a municipal corporation, who occupied or developed the same on and prior to September 7, 1957, shall have a Class I preference right to such lands from such municipal corporation upon the execution of a waiver to the State and such municipal corporation of all rights such occupant may have acquired pursuant to Public Law 85–303 (71 Stat. 623).

d. Any occupant of land included in such conveyance to a municipal corporation who has a Class II preference right by reason of such conveyance to a municipal corporation, and is unwilling to waive such right shall have a preference right to such lands which it shall be mandatory for such municipal corporation to expeditiously honor upon application from the occupant after the Secretary of the Army has submitted to the Secretary of the Interior and the Governor of the State maps showing the pierhead line established by the Corps of Engineers with respect to the tract so granted.

e. Any occupant of land included in such conveyance to a municipal corporation, who occupied or developed the same after September 7, 1957, and before January 3, 1959 and who continued to occupy the same on January 3, 1959, shall have a class III preference right to such lands from such municipal corporation.

f. The preference rights hereinabove granted any occupant shall be lost unless the occupant makes application to exercise such preference right within two years from the date the municipal corporation determines by ordinance that it will accept applications for the exercise of such preference rights respectively.

g. In making any conveyance to an occupant, the municipal corporation shall include as a part of the tract conveyed and in addition to the occupied or developed lands, such additional tide and submerged lands as shall be reasonably necessary in the opinion of the governing body of such municipal corporation for such occupant's use and enjoyment of the occupied or developed land, but such conveyance shall not include any area which would unjustly deprive any occupant of adjoining lands from reasonable use and enjoyment thereof or which if developed, will interfere with navigation.

h. Each municipal corporation receiving such conveyances shall by ordinance provide for reasonable regulations governing the filing and processing of applications, publication of notices and the adjudication of disputes between claimants by the governing body of the corporation. Any party aggrieved by its determination shall have a right of appeal to the Superior Court.

i. When no preference right has been granted to purchase or lease tidelands, the municipal corporation may sell or lease any such lands conveyed to it, and may impose any terms or conditions for such sale or lease.

(4) a. Any occupant, of tide or submerged land which is not seaward of any municipal corporation, who occupied or developed the same on and prior to September 7, 1957, shall have a Class I preference right to such lands from the State; provided, however, that if any such land is seaward of a surveyed townsite, such occupant shall be required to execute a waiver to the State of all rights which such occupant may have acquired pursuant to Public Law 85–303 (71 Stat. 623), before such preference right shall be exercised.

b. Any person, who has a Class II preference right in the disposition of any such land by the State not provided for under subsection (3) d. and who is unwilling to waive such right, shall have a preference right to such

lands which it shall be mandatory for the Director to expeditiously honor upon application from the occupant after the Secretary of the Army has submitted to the Secretary of the Interior and the Governor of the State maps showing the pierhead line established by the Corps of Engineers with respect to the tract so granted.

c. Any occupant, of tide or submerged land which is not seaward of a municipal corporation, who occupied or developed the same after September 7, 1957 and before January 3, 1959, and who continued to occupy the same on January 3, 1959, shall have a Class III preference right to such lands from the State.

d. The preference rights hereinabove granted any occupant in this subsection (4) shall be lost unless the occupant makes application to the Director to exercise such preference right within two years from the date the Director determines by regulation that he will accept applications for the exercise of such respective preference rights.

e. Each occupant shall at his cost furnish a plat showing the exterior boundaries of the tide lands and submerged lands covered by the application, in form and with proof of accuracy as set forth in regulations of the Director, and shall show thereon the location and nature of all fill material, buildings, structures and improvements, which form the basis of the application and which are situated upon the tract applied for. The applicant may include within the boundaries of the tract applied for such surrounding tide and submerged lands as shall be reasonably necessary in the opinion of the applicant for the use and enjoyment of the structures and improvements thereon by the occupant, but shall not include any tide or submerged lands which if granted to such occupant would unjustly deprive any occupant of adjoining lands from his reasonable use and enjoyment thereof.

f. In making any conveyance to an occupant, the Director shall include as a part of the tract conveyed, and in addition to the occupied or developed lands, such additional tide and submerged lands as shall be reasonably necessary in the opinion of the Director for such occupant's use and enjoyment of the occupied and developed land, but such conveyance shall not include any area which would unjustly deprive any occupant of adjoining lands from reasonable use and enjoyment thereof or which, if developed, will interfere with navigation.

g. The Director shall by regulation provide for reasonable regulations governing the filing and processing of applications, publication of notices and the adjudication of disputes between claimants. Any party aggrieved by such adjudication shall have a right of appeal to the superior court.

SEC. 6. HOMESTEAD ENTRY. The Director, with the approval of the Commissioner, may authorize homestead entry on lands not under grazing lease or otherwise appropriated and which are classified as agricultural lands and grazing lands, if they are not school lands, mental health lands or lands conveyed to Alaska by the Federal Government for the specific purpose of producing revenue.

SEC. 7. PERMITS. The Director, without the prior approval of the Commissioner, may issue permits, rights-of-way or easements on Alaska lands for secondary roads, trails, ditches, pipelines, telephone and transmission lines, log storage and other similar uses or improvements, or for the limited personal use of timber or materials. The Commissioner, upon recommendation of the Director, shall establish a reasonable rate or fee schedule to be charged for all such use. In the granting, renewal, suspension or revocation of any permit, easement or lease of tide or submerged lands, the Director shall give preference to such use of the land as will be of greatest economic benefit to the State and the development of its resources; provided, however, first preference shall be granted to the upland owner for the use of any tract of tideland, or tideland and contiguous submerged land, which is seaward of the upland property of such upland owner and which is needed by such upland owner for any of the purposes for which such use may be granted.

SEC. 8. DEPOSITS. The Director may require any applicant seeking the sale, lease or other disposal of lands, other than under an oil and gas or mineral lease, to deposit an amount covering the estimated cost of an appraisal, survey and necessary advertising. All deposited funds not expended shall be refunded to the applicant. In the event lands are sold or leased to other than the ap-

plicant making the deposit, the party awarded the lands shall pay the total actual cost of appraising and surveying the said lands, together with the total actual cost of advertising, and the deposit shall be returned to the original applicant.

SEC. 9. ASSIGNMENT. All contracts of purchase or lease of lands or interests therein shall, on the affirmative approval of the Director, be assignable in whole or in part in writing by the contract holder or lessee, and the assignee shall be subject to and governed by the provisions of laws and regulations applicable to such contract or lease.

SEC. 10. NOTICES. All public notice of any sale, lease or disposal of lands or any interest therein, when required, shall be substantially as follows:

Notice shall be published once a week for three consecutive weeks next preceding the time of sale stated in the notice, in at least one newspaper of general circulation published in the vicinity in which the land, property or interest therein is to be sold, leased or otherwise disposed of; provided that where no newspaper of general circulation is published in the vicinity, notices shall also be posted in three public places near the land to be sold, leased or otherwise disposed of. Notice shall set forth a description of the land, and interest therein to be sold, leased or otherwise disposed of and the time, place, and general terms of the sale, lease or disposal.

SEC. 11. WASTE OR INJURY TO LAND; PENALTY. If any person shall commit waste, or trespass or other injury upon Alaska land, the person so offending shall, in addition to being civilly liable for any damages caused, upon conviction thereof be fined in any sum not exceeding $1,000.00.

ARTICLE IV. SALE OF LANDS

SECTION 1. GENERAL. All lands, to which Alaska may hold fee title or to which Alaska may become entitled, excepting tide, submerged or shore lands, and timber or grazing lands, may be sold in the manner provided hereafter; provided, however, that nothing in this section shall prevent the disposition of lands as provided in Article III of this Act.

(1) The Director, with the approval of the Commissioner, shall determine those lands which shall be sold, the limitations and conditions which shall attach to the lands sold, and the terms that shall accompany the sale.

(2) The date of sale and notice thereof shall be made by the Director.

(3) The sale shall take place at the time and location specified in the notice of sale and within the recording district where the designated property is located.

SEC. 2. SALE PROCEDURES. The sale shall be made at public auction to the higest qualified bidder as shall be determined by the Director; provided, however, an aggrieved bidder may appeal to the Commissioner within five days after such sale for a review of the Director's determination. The sale shall be conducted by the Director or his representative, and at the time of sale the successful bidder shall deposit, in cash, or by certified check, an amount equal to one-tenth of the purchase price, whereupon the Director or his representative shall immediately issue a receipt containing a description of the land or property purchased, the price bid and the terms of sale, which receipt shall be acknowledged in writing by the bidder. A contract of sale on a form approved by the Attorney General shall be signed by the purchaser and following the approval of the Commissioner, the contract shall also be signed by the Director on behalf of Alaska. Provided, however, and prior to the signing of the formal conveyance by the Director, the Commissioner may reject any and all bids when the best interests of Alaska justify such action. Lands that have been offered at public sale but were not sold may be made available at private sale for not less than the appraised value of such lands.

SEC. 3. CONTRACT PROVISIONS. The contract of sale shall require the remainder of the purchase price to be paid in annual installments of not less than ten percent of the purchase price, with interest at the rate of not less than five percent per annum. The Director, with the consent of the Commissioner, may also impose such conditions, limitations and terms as he deems necessary and proper to protect the interest of the State. Violations of any provisions of this Act or the terms of the contract of sale shall subject the purchaser to appropriate legal action, including, but not limited to, a foreclosure action in accordance with applicable Alaska law.

ARTICLE V. LEASING OF LANDS OTHER THAN FOR THE EXTRACTION OF NATURAL RESOURCES

SECTION 1. GENERAL. All lands, including any tide, submerged or shore lands, to which Alaska holds title or to which Alaska may become entitled, may be leased, except for the extraction of natural resources, in the manner provided in this Article.

(1) The Director, with the approval of the Commissioner, shall determine those lands which shall be leased and the limitations and conditions that shall attach to the lands and the terms that shall accompany the lease; provided, however, if the total appraised value of the transaction is $250.00 per annum or less the Director may negotiate a lease without advertisement for a period not to exceed five years, and on such limitations, conditions and terms as he deems are in the best interests of Alaska.

(2) Leases may be issued for a period up to fifty-five years, if it appears to be in the best interests of Alaska and if approved by the Commissioner. Grazing leases may be declared null and void in whole or in part if the Commissioner determines that the land or a part thereof is not being used for the purpose issued.

SEC. 2. LEASING PROCEDURES. The leasing shall be made at public auction to the highest qualified bidder as shall be determined by the Director; provided, however, an aggrieved bidder may appeal to the Commissioner within five days for a review of the Director's determination. The leasing shall be conducted by the Director, or his representative, and the successful bidder shall deposit the first year's rental, or such portion thereof as the Commissioner may require, in cash or by certified check, in accordance with his bid, whereupon the Director or his representative shall immediately issue a receipt containing a description of the land or interest therein leased, the price bid and terms of the lease, which receipt shall be acknowledged in writing by the bidder. A lease, on a form approved by the Attorney General, shall be signed by the lessee and upon approval by the Commissioner, shall also be signed by the Director. Provided, however, and prior to the signing of the formal lease by the Director, the Commissioner may reject any and all bids for leases when the best interest of Alaska justifies such action.

SEC. 3. LEASING PROVISIONS. The lease shall require advance payment of the annual rent or such portion thereof as the Director, with the approval of the Commissioner, may require, as determined by the accepted bid. Such conditions, limitations and terms may also be imposed by the Director, with the approval of the Commissioner, as he shall deem necessary and proper to protect the interests of Alaska. Violations of any provision of this Act or the terms of the lease shall subject the purchaser to appropriate legal action, including, but not limited to, a forfeiture of the lease. Due notice of all action by the Commissioner or Director affecting the rights of the lease shall be given the lessee.

SEC. 4. REMOVAL OR REVERSION OF IMPROVEMENTS UPON TERMINATION OF LEASES. Improvements owned by a lessee on Alaska lands shall, within 60 days after the termination of the lease, be removed by him; provided, such removal will not cause injury or damage to the lands; and further provided, that the Director may extend the time for removing such improvements in cases where hardship is proven. The retiring lessee or permittee may, with the consent of the Director, sell his improvements to the succeeding lessee or permittee.

If any improvements and/or chattels having an appraised value in excess of $10,000.00 as determined by the Director are not removed within the time allowed, such improvements and/or chattels shall upon due notice to the lessee, be sold at public sale under the direction of the Director. The proceeds of sale shall inure to the lessee who placed such improvements and/or chattels on the lands after paying to Alaska all rents due and owing and expenses incurred in making such sale. In case there are no other bidders at any such sales, the Director is authorized to bid, in the name of Alaska, on such improvements and/or chattels. The bid money shall be taken from the fund to which said lands belong and the said fund shall receive all monies or other value subsequently derived from the sale or leasing of such improvements and/or chattels. Alaska shall acquire all the rights, both legal and equitable, that any other purchaser could acquire by reason of said purchase.

If any improvements and/or chattels having an appraised value of $10,000.00 or less, as determined by the Director, are not removed within the time allowed,

such improvements and/or chattels shall revert to and absolute title shall vest in Alaska.

SEC. 5. SUBLEASES. Any lessee may sublease or assign the lands or portion thereof upon which he has a lease; provided, that before any lessee shall be permitted to sublet or assign any of such lands or portion thereof, he shall make application to the Director for a permit and the Director may issue such permit if he finds it in the best interests of Alaska.

SEC. 6. RENEWAL OF LEASE. If, at the expiration of any lease of any lands, the lessee desires a renewal lease on the lands, properties, or interests covered thereby, he shall within 30 days before the expiration of his lease make application in writing for a renewal lease, certifying under oath as to the character and value of all improvements existing on the land, properties, or interests therein, the purpose for which he desires a renewal lease and such other information as the Director may require. The applicant shall deposit with such application the sum equivalent to 50 percent of the annual rental payment still in effect but no to exceed $50.00. The Director may thereafter lease said lands in compliance with all Sections of this Article with a preference being allowed the former lessee if all other pertinent factors are substantially equivalent.

SEC. 7. PERIODICAL RENTAL ADJUSTMENTS. All leases shall stipulate that the annual rental payment shall be subject to adjustment at five-year intervals and any charges or adjustments shall be based primarily on a reappraised annual rental value.

ARTICLE VI. DISPOSAL OF TIMBER AND MATERIALS

SECTION 1. SALE OF TIMBER AND MATERIALS. The Director shall provide for cruises of timber and appraisals of other materials in or upon lands and transmit all such data with respect to such cruises and appraisals to the Commissioner, together with his recommendations with respect to (a) the timber and other materials which should be offered for sale, and (b) the terms of sale of such timber or other materials thereon.

SEC. 2. LIMITATIONS AND CONDITIONS OF SALE. The Commissioner, upon recommendation of the Director, shall determine the timber and other materials which shall be sold, and the limitations and conditions that shall attach to the timber and materials sold, and the terms of sale; said limitations, conditions and terms to include the utilization, development and maintenance of the sustained yield principle, subject to preference among other beneficial uses; provided that timber sales not exceeding 500 M.B.M., or materials sales not exceeding the appraised value of $2,500.00, may be negotiated by the Director without advertisement and on such limitations, conditions and terms as he deems are in the best interests of Alaska, subject to the approval of the Commissioner; provided, further, that not more than one non-advertised, negotiated sale of timber or material shall be made to the same purchaser within a one-year period.

SEC. 3. DISPOSAL PROCEDURE. Timber and other materials shall be sold at public auction to the highest qualified bidder as shall be determined by the Director; provided, however, an aggrieved bidder may appeal to the Commissioner within five days after such sale for a review of the Director's determination. The sale shall be conducted by the Director or his representative, and at the time of sale the successful bidder shall deposit, in cash or by certified check, an amount equal to one-tenth of the purchase price, whereupon the Director or his representative shall immediately issue a receipt containing a description of the timber or materials purchased, the price bid, and the terms of sale, which receipt shall be acknowledged in writing by the bidder. A contract of sale, on a form approved by the Attorney General, shall be signed by the purchaser, and following the approval of the Commissioner, the contract shall also be signed by the Director on behalf of Alaska. The Director, with the approval of the Commissioner, may impose such conditions, limitations and terms as he shall deem necessary and proper to protect the interests of Alaska. Violations of any provisions of this Act or the terms of the contract of sale shall subject the purchaser to appropriate legal action.

ARTICLE VII. RESERVATION OF RIGHTS TO ALASKA

SECTION 1. RESERVATION. Each and every contract for the sale, lease or grant of, and each deed to Alaska land, properties or interest therein, made pursuant to Section 4, 5, and 6 of Article III or Articles IV, V or VI herein, shall be subject to the following reservations: "The party of the first part, Alaska, hereby

expressly saves, excepts and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, all oils, gases, coal, ores, minerals, fissionable materials, and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials and fossils, and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right to enter by itself, its or their agents, attorneys, and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals, fissionable materials and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, road, pipelines, powerlines, and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof for the foregoing purposes and to occupy as much of said lands as may be necessary or convenient for such purposes hereby expressly reserving to itself, its lessees, successors, and assigns, as aforesaid, generally all rights and power in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved."

SEC. 2. DAMAGES. No rights shall be exercised under the foregoing reservation, by Alaska, its lessees, successors or assigns, until provision has been made by Alaska, its lessees, successors or assigns, to pay to the owner of the land, upon which the rights, herein reserved to Alaska, its lessees, successors, or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land; Provided, that if said owner for any cause whatever refuses or neglects to settle said damages, Alaska, its lessees, successors, assigns, or any applicant for a lease or contract from Alaska for the purpose of prospecting for valuable minerals, or option contract or lease for mining coal or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in a court of competent jurisdiction wherein the land is situated, as may be necessary to determine the damages which the owner of such lands may suffer.

ARTICLE VIII. LEASING OF MINERAL LANDS

SECTION 1. GENERAL. Except as otherwise provided, all valuable mineral deposits in lands belonging to Alaska shall be open to exploration, development, and the extraction of minerals. All lands, together with any tide, submerged or shore lands, to which Alaska holds title or to which Alaska may become entitled, may be obtained by permit or lease for the purpose of exploration, development, and the extraction of minerals. As hereinafter provided, lands may be withheld from lease application on a first-come first-served basis, and offered only on a competitive bid basis when determined by the Commissioner to be in the best interests of Alaska. In unproven areas the Commissioner may offer additional incentive and other terms in granting permit for exploration and development whenever it appears to be in the best interests of Alaska to do so.

SEC. 2. LIMITATIONS. No person, association, or corporation, except as herein provided, shall take or hold coal leases or permits during the life of such lease on Alaska lands exceeding an aggregate of 10,240 acres; provided, that a person, association or corporation may apply for coal leases or permits for acreage in addition to said 10,240 acres, which application or applications shall be in multiples of 40 acres, not exceeding a total of 5,120 additional acres of Alaska land, and shall contain a statement that the granting of a lease for such additional lands is necessary for the person, association, or corporation to carry on business economically and is in the public interest. On the filing of said application, the coal deposits in such lands covered thereby shall be temporarily set aside and withdrawn from all other forms of disposal provided under this Article. The Commissioner shall, after posting notice of the pending application in the local Land Office, conduct public hearings on such application, or applications, for additional acreage. After such public hearings, to such extent as he finds to be in the public interest and necessary for the applicant in order to carry on business economically, the Commissioner may, under such regulations as he may prescribe, permit such person, association, corporation to take or hold coal leases or permits for an additional aggregate acreage of not

more than 5,120 acres. No person, association, or corporation shall take or hold at one time phosphate leases on Alaska lands exceeding in the aggregate 10,240 acres. No person, association, or corporation, except as herein provided, shall take or hold sodium leases or permits during the life of such lease on Alaska lands, exceeding in the aggregate acreage 5,120 acres; provided, that the Commissioner may, in his discretion where it is necessary in order to secure the economic mining of sodium compounds permit a person, association, or corporation to take or hold sodium leases or permits for up to 15,360 acres. No person, association, or corporation, except as herein provided, shall take or hold at any one time oil or gas leases exceeding in the aggregate 500,000 acres granted hereunder on tide and submerged lands, and 500,000 acres on all lands other than tide and submerged lands; such acreage to include leases held both as lessee and under option or operating agreement from others. Where more than a single person, association, or corporation holds an interest in any oil or gas lease, each of such persons, associations, or corporations shall be charged only with that percentage of the total acreage which corresponds to its percentage share of the total beneficial interest in such lease. The Commissioner, for the purpose of encouraging the greatest ultimate recovery of coal, oil, gas, oil shale, phosphate, sodium, potassium, and sulphur, and in the interest of conservation of natural resources, is authorized, after public hearing, to waive, suspend, or reduce the rental, or minimum royalty, or reduce the royalty on an entire leasehold, or on any tract or portion thereof segregated for royalty purposes, whenever in his judgment it is necessary to do so in order to promote development, or whenever in his judgment the leases cannot be successfully operated under the terms provided therein. In the event the Commissioner, in the interest of conservation, shall direct or shall assent to the suspension of operations and production under any lease granted, any payment of acreage rental or of minimum royalty prescribed by such lease likewise may be suspended during such period of suspension of operations and production; and the term of such lease shall be extended by adding any such suspension period thereto.

SEC. 3. LEASING PROCEDURE. Deposits of coal, phosphates, oil shale, sodium, potassium, oil, gas, and lands containing such deposits owned by Alaska shall be subject to disposition under rules and regulations, recommended by the Director and promulgated by the Commissioner, and the following provisions:

(1) Coal. The Commissioner is authorized to, and upon the petition of any qualified applicant shall, divide any of the coal lands or the deposits of coal owned by Alaska into leasing tracts of forty acres each, or multiples thereof, and in such form as will permit the economical mining of the coal in such tract, but in no case exceeding 2,560 acres in any one leasing tract. Thereafter the Commissioner shall, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time, offer such lands or deposits of coal for leasing and shall award leases thereon by competitive bidding or by such method as he may by general regulation adopt, to any qualified applicant. Where prospecting or exploration work is necessary to determine the existence or workability of coal deposits in any unclaimed, undeveloped areas, the Commissioner may issue to qualified applicants prospecting permits for a term of two years, not exceeding 2,560 acres; and if within said period of two years thereafter the permittee shows to the Commissioner that the land contains coal in commercial quantities, the permittee shall be entitled to a lease for all or part of the land in his permit. Any coal prospecting permit issued hereunder may be extended by the Commissioner for a period of two years, if he shall find that the permittee has been unable, with the exercise of reasonable diligence, to determine the existence or workability of coal deposits in the area covered by the permit and desires to prosecute further prospecting or exploration, or for other reasons in the opinion of the Commissioner warranting such extension. For the privilege of mining or extracting the coal in the lands covered by the lease, the lessee shall pay to Alaska such royalties as may be specified in the lease, which shall be fixed in advance of offering the same and which shall not be less than 5 cents per ton of 2,000 pounds, and an annual rental, payable at the date of the lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Commissioner prior to offering the same which shall not be less than 25 cents per acre for the first year thereafter, not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively, and not less than $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall

be credited against the royalties as they accrue for that year. Leases shall be for the indeterminate periods upon condition of diligent development and continued operation of the mine or mines, except when such operation shall be interrupted by strikes, the elements, or casualties not attributed to the lessee.

(2) Phosphates. The Commissioner is authorized to lease to qualified applicants any lands belonging to Alaska containing deposits of phosphates through advertisement, competitive bidding, or such other methods as he may by general regulation adopt, including associated and related minerals, when in his judgment the public interest will be best served thereby. The land shall be leased in units reasonably compact in form of not to exceed 2,560 acres. All leases shall be conditioned upon the payment to Alaska of such royalties as may be specified in the lease, which shall be fixed by the Commissioner in advance of offering the same, at not less than 5 per centum of the gross value, at the point of shipment to market, of the output of phosphates or phosphate rock, and associated or related minerals. Each lease shall provide for the payment of a rental payable at the date of the lease and annually thereafter, which shall be not less than 25 cents per acre for the first year, 50 cents per acre for the second and third years, respectively, and $1 per acre for each year thereafter, during the continuance of the lease. The rental paid for any year shall be credited against the royalties for that year. Leases shall be for a term of twenty years and so long thereafter as the lessee complies with the terms and conditions of the lease.

(3) Oil Shale. The Commissioner is authorized to lease to any qualified person or corporation any deposits of oil shale belonging to Alaska and the surface of so much of the lands containing such deposits, or land adjacent thereto, as may be required for the extraction and reduction of the leased minerals. No lease hereunder shall exceed 5,120 acres of land, nor shall the terms of the lease permit the extraction of minerals from other than the oil shale so leased. Leases may be for indeterminate periods upon such conditions as may be imposed by the Commissioner. For the privilege of mining, extracting, and disposing of the oil or other minerals covered by a lease hereunder, the lessee shall pay to Alaska such royalties as shall be specified in the lease and an annual rental at the rate of 50 cents per acre, for the lands included in the lease, the rental paid for any one year to be credited against the royalties accruing for that year. For the purpose of encouraging the production of petroleum products from shales, the Commissioner may, in his discretion, waive the payment of any royalty and rental during the first five years of any lease.

(4) Sodium. The Commissioner is authorized to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium, in lands belonging to Alaska, for a period of not to exceed two years; provided, that the area to be included in such a perimt shall not exceed 2,560 acres of land in reasonably compact form. Upon showing to the satitsfaction of the Commissioner that valuable deposits of sodium minerals have been discovered by the permittee within the area covered by his permit, and that such land is chiefly valuable therefor, the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit at a royalty of not less than 2 per centum of the quantity or gross value of the output of sodium compounds and other related products at the point of shipment to market. Lands known to contain valuable deposits of sodium compounds and not covered by permits or leases shall be subject to lease by the Commissioner through advertisement, competitive bidding, or such other methods as he may by general regulation adopt in such areas as he shall fix, not exceeding 2,560 acres. All such leases shall be conditioned upon the same royalty payment as mentioned above and the payment in advance of a rental of 25 cents per acre for the first calendar year or fraction thereof, 50 cents per acre for the second, third, fourth, and fifth calendar years, respectively; and $1 per acre per annum thereafter during the continuance of the lease, such rental for any one year to be credited against royalties accruing for that year. Leases shall be for a period of twenty years with preferential right in the lessee to renew for successive periods of ten years upon such terms and conditions as may be prescribed by the Commissioner.

(5) Sulphur. The Commissioner is authorized and directed, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for sulphur, in lands belonging to Alaska, for a period not to exceed two years; provided, that the area to be included in such a permit shall not exceed 2,560 acres of land in reasonably compact form. Upon showing to the satisfaction of the Commissioner that valuable deposits of sulphur have been discovered by the permittee within the area covered by his permit, and that the land is chiefly valuable therefor, the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit, at a royalty of 5 per centum of the quantity or gross value of the output of sulphur at the point of shipment to market. Lands known to contain valuable deposits of sulphur and not covered by permits or leases, shall be held subject to lease by the Commissioner through advertisement, competitive bidding, or such other methods as he may by general regulation adopt, and in such areas as he shall fix, not to exceed 2,560 acres; all leases to be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease and the payment in advance of a rental of 50 cents per acre per annum, the rental for any one year to be credited against the royalties accruing for that year.

(6) Potassium. The Commissioner is hereby authorized, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium, in lands belonging to Alaska, for a period not to exceed two years; provided, that the area to be included in such a permit shall not exceed 2,560 acres of land in reasonably compact form. Upon showing to the satisfaction of the Commissioner that valuable deposits of potassium compounds have been discovered by the permittee within the area covered by his permit, and that such land is chiefly valuable therefor, the permittee shall be entitled to a lease for any or all of the land embraced in the prospecting permit, at a royalty of not less than 2 per centum of the quantity or gross value of the output of potassium compounds and other related products, except sodium, at the point of shipment to market. Lands known to contain valuable deposits of potassium compounds and not covered by permits or leases shall be held subject to lease by the Commissioner through advertisement, competitive bidding, or such other methods as he may by general regulation adopt, in such areas as he shall fix, not to exceed 2,560 acres; all leases to be conditioned upon payment by the lessee of a royalty of not less than 2 per centum of the quantity or gross value of the output of potassium compounds and other related products, except sodium, at the point of shipment to market, and the payment in advance of a rental of 25 cents per acre for the first calendar year or fraction thereof; 50 cents per acre for the second, third, fourth, and fifth years, respectively; and $1 per acre per annum thereafter during the continuance of the lease, such rental for any one year being credited against royalties accruing for that year. Leases shall be for a term of twenty years and so long thereafter as the lessee complies with the terms and conditions of the lease.

(7) Oil and Gas. All tide and submerged lands shall be leased by competitive bidding, and whenever oil or gas is discovered in any well on Alaska land in commercial quantities, the Commissioner shall determine the extent of the area of any lands in addition to tide and submerged lands in the same general area of the discovery well, which by reason of such discovery the Commissioner reasonably believes to be capable of producing oil or gas, and such additional lands shall be leased by competitive bidding. Such competitive lands shall be leased to the highest responsible qualified bidder by competitive bidding under general regulations, in units of not exceeding 640 acres (except that tide and submerged lands shall be leased in units of not exceeding 5,760 acres), which shall be as nearly compact in form as possible, upon the payment by the lessee of such bonus as may be accepted by the Commissioner and of such royalty as may be fixed in the lease which shall be not less than 12½ per centum in amount or value of the production removed or sold from the lease; provided, that any holder of a lease who shall drill and make the first discovery of oil or gas in commercial quantities in any geologic structure shall pay a royalty on all production under the

lease of 5 per centum for ten years following the date of such discovery and thereafter the royalty rate shall be not less than 12½ per centum. All lands other than those above provided to be leased by competitive bidding shall be leased without competitive bidding to the first qualified person making application therefor. Noncompetitive leases shall be issued in units of not exceeding 2,560 acres in any one lease. Such noncompetitive leases shall be conditioned upon the payment by the lessee of a royalty of 12½ per centum in amount or value of the production removed or sold from the lease; provided, that any holder of a lease who shall drill and make the first discovery of oil or gas in commercial quantities in any geologic structure shall pay a royalty on all production under the lease of 5 per centum for ten years following the date of such discovery and thereafter the royalty rate shall be 12½ per centum. Leases issued under this subsection shall be for a primary term of five years and shall continue so long thereafter as oil or gas is produced in paying quantities.

Any oil or gas lease issued under this subsection which is subject to termination by reason of cessation of production shall not terminate if, within sixty days after production ceases, reworking or drilling operations are commenced on the land under lease and are thereafter conducted with reasonable diligence during such period of nonproduction. No lease issued under the provisions of this subsection shall expire because operations or production is suspended under any order, or with the consent, of the Commissioner. No lease issued under the provisions of this subsection covering lands on which there is a well capable of producing oil or gas in paying quantities shall expire because the lessee fails to produce the same, unless the lessee is allowed a reasonable time, within which to place such well on a producing statute; provided, that after such status is established production shall continue on the leased premises unless and until suspension of production is allowed by the Commissioner.

Upon the expiration of the initial five-year term of any noncompetitive lease maintained in accordance with applicable requirements and regulations, the record title holder thereof shall be entitled to a single extension of the lease, unless then otherwise provided by law, for such lands covered but which are not on the expiration date of the lease determined by the Commissioner to be competitive lands as above provided. A noncompetitive lease as to lands not determined by the Commissioner to be competitive lands, shall be extended for a period of five years and so long thereafter as oil or gas is produced in paying quantities. A noncompetitive lease, as to lands determined by the Commissioner to be competitive lands, shall be extended for a period of two years and so long thereafter as oil or gas is produced in paying quantities. Any noncompetitive lease extended under this paragraph shall be subject to the rules and regulations in force at the expiration of the initial five-year term of the lease. No extension shall be granted, however, unless within a period of ninety days prior to such expiration date an application therefor is filed by the record title holder or an assignee whose assignment has been filed for approval, or an operator whose operating agreement has been filed for approval.

The Commissioner may, in his discretion, provide for extension beyond the ten-year period of leases which, although not then productive, are at that time included in an approved unit plan or program of secondary recovery operation to bring about or restore production.

All noncompetitive oil or gas leases issued under this subsection shall be conditioned upon the payment by the lessee in advance of an annual rental of 50 cents per acre or fraction thereof. All competitive oil and gas leases issued under this subsection shall be conditioned upon the payment of an annual rental, prior to discovery on the leased lands, of $1 per acre or fraction thereof. A minimum royalty of $1 per acre in lieu of rental shall be payable at the expiration of each lease year beginning on or after a discovery of oil or gas in paying quantities on the lands leased.

Should Alaska select or otherwise acquire any Federal land which, at the effective date of the selection or acquisition, is subject to a valid existing offer for a noncompetitive United States oil and gas lease under the Federal Act of Feb. 25, 1920 (41 Stat. 437 as amended), the offeror for the Federal lease, if a qualified applicant hereunder, shall be deemed to be the first qualified applicant for an Alaska noncompetitive oil and gas lease under the provisions of this Section 3 (7) of this Article VIII, and shall be entitled to an Alaska noncompetitive oil and gas lease upon compliance with the provisions of the regulation covering such applications within 60 days after receipt of written notice from the Com-

missioner of such selection or acquisition. The priority herein provided for shall not be effective if the land covered by such Federal offer to lease is classified by the Commissioner as competitive lands as herein provided within 90 days after the selection of such land is finally approved by the Secretary of the Interior or such land is otherwise acquired.

For the purpose of more properly conserving the natural resources of any oil or gas pool, field, or like area, or any part thereof (whether or not any part of said oil or gas pool, field, or like area is then subject to any cooperative or unit plan of development or operation), lessees thereof and their representatives may unite with each other, or jointly or separately with others, in collectively adopting or operating under a cooperative or unit plan of development or operation of such pool, field, or like area, or any part thereof, whenever determined and certified by the Commissioner to be necessary or advisable in the public interest. The Commissioner is thereunto authorized, in his discretion, with the consent of the holders of leases involved, to establish, alter, change, or revoke drilling, producing, rental, minimum royalty, and royalty requirements of such leases and to make such regulations with reference to such leases, with like consent on the part of the lessees, in connection with the institution and operation of any such cooperative or unit plan as he may determine necessary or proper to secure the proper protection of the public interest. The Commissioner may provide that oil and gas leases issued under this subsection shall contain a provision requiring the lessee to operate under such a reasonable cooperative or unit plan, and he may prescribe such a plan under which such a lessee shall operate, which shall adequately protect all parties in interest, including Alaska.

Any plan authorized by the preceding paragraph, which includes lands owned by Alaska, may, in the discretion of the Commissioner, contain a provision whereby authority is vested in the Commissioner, or any such person, committee, or State agency as may be designated in the plan, to alter or modify from time to time the rate of prospecting and development and the quantity and rate of production under such plan. All leases operated under any such plan approved or prescribed by the Commissioner shall be excepted in determining holdings or control under the provisions of Section 2 of this Article. The provisions of this Subsection 3 (7) of this Article VIII concerning cooperative or unit plans are in addition to, and shall in no way repeal, diminish, change or abrogate the provisions of Chapter 40, SLA 1955.

Producing acreage on a known geologic structure of a producing oil or gas field shall be excluded from chargeability as against the acreage limitation provisions of Section 2 of this Article.

When separate tracts cannot be individually developed and operated in conformity with an established well-spacing or development program, any lease, or a portion thereof, may be pooled with other lands, whether or not owned by Alaska under a communitization or drilling agreement providing for an apportionment of production or royalties among the separate tracts of land comprising the drilling or spacing unit when determined by the Commissioner to be in the public interest, and operations or production pursuant to such an agreement shall be determined to be operations or production as to each such lease committed thereto.

The Commissioner is hereby authorized, on such conditions as he may prescribe, to approve drilling, or development contracts made by one or more lessees of oil or gas leases, with one or more persons, associations, or corporations, whenever, in his discretion, the conservation of natural products or the public convenience or necessity may require it or the interests of Alaska may be best served thereby. All leases operated under such approved drilling, or development contracts, and interests thereunder, shall be excepted in determining holdings or control under the provisions of Section 2 of this Article.

The Commissioner, to avoid waste or to promote conservation of natural resources, may authorize the subsurface storage of oil or gas whether or not produced from Alaska lands, in lands leased or subject to lease under this subsection. Such authorization may provide for the payment of a storage fee or rental on such stored oil or gas, or, in lieu of such fee or rental, for a royalty other than that prescribed in the lease when such stored oil or gas is produced in conjunction with oil or gas not previously produced. Any lease on which storage is so authorized shall be extended at least for the period of storage and so long thereafter as oil or gas not previously produced is produced in paying quantities.

ARTICLE IX. MINING RIGHTS

SECTION 1. DISCOVERY AND APPROPRIATION RIGHTS. Except as herein provided, all minerals which are subject to location under the mining laws of the United States, and the mineral lands in which they are contained, shall be subject to discovery, appropriation and location under the provisions of Sections 47-3-9 through 47-3-60 and Sections 47-3-81 through 47-3-92, ACLA 1949, as amended. In the case of tide and submerged lands, and acquired lands known to contain such minerals, or lands which have been sold, granted, deeded, or patented reserving such minerals to Alaska, the right to mine and remove such minerals may be acquired only by lease on such terms and conditions as may be recommended by the Director and approved by the Commissioner.

ARTICLE X. MULTIPLE MINERAL DEVELOPMENT OF THE SAME TRACTS

SECTION 1. MULTIPLE USE. Disposal and use of Alaska lands as provided for in this Act shall at all times be in conformity with the provisions of the Constitution of the State of Alaska and the principles of multiple purpose use consistent with the public interest.

ARTICLE XI. LAND SELECTION

SECTION 1. SELECTION PRACTICE. The selection of all grant, lieu and indemnity lands shall conform to the provisions of this Act and to the policy, orders, rules and regulations adopted by the Commissioner. Preference of selection by the Commissioner shall be given to the land which will provide the maximum benefits to the people of Alaska.

ARTICLE XII. PARKS AND RECREATION AREAS

SECTION 1. PARK AND RECREATION AREAS. The Commissioner shall establish a policy and prescribe rules and regulations whereby parks and recreation areas, including public scenic overlooks and cultural sites, shall be developed and managed in a manner that will best serve the interests of the people of Alaska. The Commissioner may classify certain public lands as parks, scenic overlooks, cultural sites and recreation areas; provided, that the general intent of this Act is maintained.

ARTICLE XIII. MISCELLANEOUS

SECTION 1. TRANSFER, APPROPRIATIONS, RECORDS, ETC. All appropriations, records, reports, papers, documents, equipment, forms, supplies, memoranda and other public property of whatever kind held by the Department of Public Lands, created under Chapter 126, SLA 1953, as amended by Chapter 183, SLA 1955, shall be turned over to the Director when and as requested.

SEC. 2. CONTINUING RULES, REGULATIONS, AGREEMENTS, ETC. All rules, regulations, procedures, funds, contracts and agreements which have been established or entered into by the Department of Lands prior to the effective date of this Act under the authority of Chapter 126, SLA 1953, as amended, and Chapter 184, SLA 1957, are hereby continued, and subject to any further amendments by the Commissioner except where inconsistent with the provisions of this Act.

Until such time as the Commissioner is appointed under the reorganization of the State executive branch of governments the acting Director, or his successor, now serving as Director of the Department of Lands, shall continue to perform the duties herein delegated to the Director.

SEC. 3. EXCEPTIONS.

(a) The Commissioner shall have no jurisdiction over University lands except when such jurisdiction has been conferred on the Commissioner by the Board of Regents of the University of Alaska.

(b) Any power, duty or authority now or in the future granted to either the Alaska Highway and Public Works Department, or its successor, or to the Alaska Department of Aviation, or its successor, to acquire, use, lease, or exchange real property, or any interest therein, shall be exercised by either of said Departments in conformity with the provisions of this Act.

(c) The foregoing agencies shall give written notification of the fact of said acquisition, lease or exchange to the Division of Lands within three months after the date that the foregoing agencies make said acquisition, lease or exchange.

(d) Any real property acquired by, and under the management of, the foregoing agencies, which is no longer needed for its intended use, will be returned to the jurisdiction of the Division of Lands.

SEC. 4. REPEALER. Chapter 189, SLA 1955, and Chapter 184, SLA 1957, are hereby repealed.

SEC. 5. SEVERABILITY CLAUSE. If any provision of this Act, or application thereof to any person or circumstance is held invalid, the remainder of the Act and such application to other persons or circumstances shall not be affected thereby.

SEC. 6. EFFECTIVE DATE. This Act shall take effect immediately upon its passage and approval or upon its becoming law without such approval.

Approved May 2, 1959.

ORDERS OF THE SECRETARY OF INTERIOR EXTENDING TIME OF ALASKA HOMESTEADERS FOR WAIVER OF CLAIMS TO OIL AND GAS

DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY

ALASKAN HOMESTEADERS

EXTENSION OF TIME TO RESPOND TO REQUESTS FOR WAIVER OF CLAIMS TO OIL AND GAS

Pursuant to the authority granted to the Secretary of the Interior by section 2478 of the Revised Statutes (43 U.S.C. 1201), it is hereby ordered that all homesteaders, in the State of Alaska who have received or may receive prior to May 6, 1959, a request from the authorized officer of the Bureau of Land Management to file with his office a waiver of claim of rights to the oil and gas deposits in the lands in their homesteads are hereby notified that they have until May 6, 1959, or until 30 days after the receipt of request for said waiver, whichever is later, to take one of the following actions, namely, to file the waiver with the land office, to petition for reclassification of the lands as not oil and gas in character, or to appeal to the Director, Bureau of Land Management, Washington 25, D.C.

ELMER F. BENNETT,
Acting Secretary of the Interior.

MARCH 10, 1959.

[F.R. Doc. 59-2181; Filed, Mar. 13, 1959; 8:46 a.m.]

ALASKA HOMESTEADERS

EXTENSION OF TIME TO RESPOND TO REQUESTS FOR WAIVER OF CLAIMS TO OIL AND GAS

Pursuant to the authority granted to the Secretary of the Interior by section 2478 of the Revised Statutes (43 U.S.C. 1201), it is hereby ordered that all homesteaders in the State of Alaska who have received or may receive prior to September 1, 1959, a request from the authorized officer of the Bureau of Land Management to file with his office a waiver of claim of rights to the oil and gas deposits in the lands in their homesteads are hereby notified that they have until September 1, 1959, or until 30 days after the receipt of request for said waiver, whichever is later, to take one of the following actions, namely, to file the waiver with the land office, to petition for reclassification of the lands as not oil and gas in character, or to appeal to the Director, Bureau of Land Management, Washington 25, D.C.

ELMER F. BENNETT,
Acting Secretary of the Interior.

MAY 5, 1959.

[F.R. Doc. 59-3952; Filed, May 8, 1959; 8:52 a.m.]

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
U.S. SENATE,
Washington, D.C., August 27, 1959.

HON. FRED A. SEATON,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: There is at present pending before the Public Lands Subcommittee of the Senate Committee on Interior and Insular Affairs a bill, S. 1670, which would provide for the granting of mineral rights in certain homestead lands in the State of Alaska.

Hearings on this bill have been held here in Washington. However, because of the distance involved these entrymen most vitally affected were unable to testify and give the subcommittee the benefit of their views on the need for this legislation. In order that the record before the subcommittee may be complete before it takes definitive action on this bill, the subcommittee has authorized the holding of hearings in Alaska after the adjournment of the 1st session of the 86th Congress.

You have already postponed until September 1, 1959, the date upon which the homesteaders affected must waive oil and mineral rights. In order that there be an opportunity for possible congressional action based on a study of all available facts and in the light of the decision of the subcommittee to hold these additional hearings, I am writing to request you to postpone the effective date of your order until sufficient time has elapsed after the convening of the 2d session of the 86th Congress to permit congressional action. Your thus extending the time would be appreciated. Since the result of the hearings in Alaska will not be reportable until the 2d session of the 86th Congress. I suggest that you extend the time within which homesteaders affected might waive their oil and mineral rights until July 1, 1960.

Sincerely yours,

JAMES E. MURRAY, *Chairman.*

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 1, 1959.

HON. ERNEST GRUENING,
U.S. Senate, Washington, D.C.

DEAR SENATOR GRUENING: Your letter of July 10 requests that a hearing be held in Anchorage at an early date on the matter of the rights of homesteaders to oil and gas deposits, and that no action be taken to obtain mineral waivers from homesteaders until such a hearing has been held.

We have extended the period for mineral waivers until September 1 so that the Congress may have an opportunity to consider the matter by appropriate legislation or otherwise.

If the Department is advised either by the chairman of the Senate Interior and Insular Affairs Committee or the chairman of the House Interior and Insular Affairs Committee that the committee wishes to conduct hearings on this matter in Alaska related to pending or prospective legislation we will be glad to cooperate in this matter.

We think it inadvisable to conduct administrative hearings on a matter which is essentially statutory and under consideration by the Congress. We do, however, offer the assistance of the Department in any hearings that the Congress may wish to conduct.

As you may know, timely administrative action is necessary to assuredly preserve and protect the interests of the United States and the people of Alaska.

Under 43 United States Code 165 and 1165 it is provided:

"* * * that after the lapse of 2 years from the date of the issuance of the register's receipt upon the final entry of any tract of land under the homestead or desert land laws * * * and when there shall be no pending contest or protest against the validity of such entry, the entryman shall be entitled to a patent conveying the land by him entered, and the same shall be issued to him; but this proviso shall not be construed to require the delay of 2 years from the date of said entry before the issuing of a patent therefor."

In essence, a homestead entryman is entitled to a patent after the passage of 2 years from his payment of final commissions in connection with his final proof,

absent the filing within that period of a contest or protest against the entry, or a notice to the entryman requiring his consent to a reservation of minerals. Even in the event of a mineral classification of the lands, an entryman would be entitled to an unrestricted patent conveying the entire oil and gas estate unless action calling for an oil and gas, or other mineral, waiver had been taken within the 2-year period.

With the foregoing explanation of the requirement that timely administrative action be taken to assure protection of the interests of the United States and the people of Alaska, I know you will understand why the Bureau of Land Management must continue, in appropriate cases, to issue notices of mineral classification and requests for mineral waiver.

We had anticipated that the Congress, by September 1, would have acted, one way or another, on the relief legislation you have sponsored. While the position of this Department has been made clear and while you have repeatedly taken the position that without full departmental support no favorable action will be taken, you and I both know that if more generous treatment of the Kenai homesteaders than would be permitted under existing law is sound, is in the whole public interest, and comports with traditional legislative branch treatment of such matters, the committees and the Congress will recognize the justification for its enactment. To afford full opportunity for consideration of this legislation on its merits and to demonstrate our good faith in this matter, I am instructing the Bureau of Land Management to extend the period for the filing of such waiver by the entryman until the close of the 86th Congress.

Sincerely,

FRED A. SEATON,
Secretary of the Interior.

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